

name in connection with the presidential nomination, ignoring the fact that he is constitutionally debarred from the Presidency by having been born in Canada. The error is entirely excusable, since the public is not so interested in the birthplace of a public official as in his capability. Were Mr. Lane of American birth there is little doubt that he now would be seriously considered for the leadership of his party in the approaching campaign.

"In his letter of resignation to the President, Secretary Lane regrets the necessity which compels him to leave the Cabinet, but says 'I must now think of other duties.' The meaning of that phrase is all too clear to those who have given their time to the public service. It means that after 21 years in office he must now get out into the world and earn a competence for himself and his family, having been unable to do this on the modest salaries of the offices he has held. And he will earn it handily if the business world appreciates brains and energy and courage.

"Although born in Prince Edward Island, Mr. Lane at an early age was taken to California by his parents, and to all intents and purposes is a native son. After having served as corporation counsel of San Francisco from 1897 to 1902, during which time he was active in Democratic politics and received the vote of his party for United States Senator, he was appointed in 1905 a member of the Interstate Commerce Commission. He served with distinction and ability on that body until 1913, when he became Secretary of the Interior.

"Through the troublous times of the past three years the sound judgment and clear utterance of Secretary Lane have been of help to the President and to the country. There were times when it was expected that he would be assigned to more vital work during the war, but for inscrutable reasons this was not done. Indeed, there were times when his advice was rejected, to the public injury as after events proved, but Mr. Lane, with the true spirit of a patriot, subordinated his personal feelings to the desire to serve his country in the great emergency.

"He leaves the Cabinet with a fine record of accomplishment, with the cordial good wishes of the President and his fellow Cabinet members, and with the respect and gratitude of his countrymen. There isn't much more than this to be had out of life, but whatever there is Mr. Lane is entitled to it."

Mr. PHELAN. Mr. President, I can not allow the opportunity suggested by the remarks of the Senator from Montana to go by without stating that Hon. Franklin K. Lane is a citizen of California, and that California is well pleased with the discharge by him of important duties extending over a period of nearly 20 years of public service, largely in the Interstate Commerce Commission and the Department of the Interior. His career has been highly useful, distinguished, and honorable.

I am sure I express the feeling of California and of the Nation as well when I say that his severance of his relations with the public service is a matter of profound regret.

CIVIL-SERVICE RETIREMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1699) for the retirement of employees in the classified civil service, and for other purposes.

Mr. KING. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Beckham	Johnson, S. Dak.	Moses	Smoot
Borah	Jones, N. Mex.	Myers	Sterling
Brandegee	Kellogg	New	Sutherland
Capper	King	Norris	Thomas
Curtis	Kirby	Overman	Walsh, Mass.
Fernald	Knox	Page	Walsh, Mont.
Frellinghuysen	Lodge	Pomerene	Warren
Gronna	McCormick	Robinson	Watson
Harris	McCumber	Sheppard	Wolcott
Harrison	McKellar	Sherman	
Henderson	McLean	Simmons	
Hitchcock	McNary	Smith, Ga.	

Mr. CURTIS. I wish to announce the absence of the Senator from Maine [Mr. HALE], the Senator from Washington [Mr. POINDEXTER], the Senator from Florida [Mr. TRAMMELL], and the Senator from Nevada [Mr. PITTMAN], in attendance on a meeting of a subcommittee of the Committee on Naval Affairs.

The PRESIDING OFFICER. Only 45 Senators have answered to the roll call. There is not a quorum present. What is the pleasure of the Senate?

Mr. STERLING. Has the list of the absentees been called?

The PRESIDING OFFICER. It has not. The names of the absentees will be called.

The Assistant Secretary called the names of the absent Senators, and Mr. NUGENT, Mr. PHELAN, Mr. STANLEY, and Mr. TOWNSEND answered to their names when called.

Mr. FRANCE, Mr. COLT, Mr. OWEN, Mr. CHAMBERLAIN, Mr. PHIPPS, Mr. LENROOT, Mr. KEYES, Mr. JONES of Washington, Mr. RANDELL, Mr. NELSON, and Mr. BALL entered the Chamber and answered to their names.

The PRESIDING OFFICER. Sixty Senators having answered to the roll call, there is a quorum present. What is the further pleasure of the Senate?

Mr. STERLING. Mr. President, I understand that the Senator from Utah [Mr. SMOOT] expects to address the Senate on the pending bill.

Mr. SMOOT. Mr. President, the Finance Committee have under consideration the dye bill. It is impossible to secure a quorum of the committee unless I attend; and I wish to say to the Senator from South Dakota that I have been in attendance on that committee this afternoon, and that is why I was not in the Chamber. The Senator from North Dakota [Mr. McCUMBER] has called the committee together on the last two days in the hope of getting a report upon that bill. The Senator will remember that a special joint resolution was passed extending the time during which the embargo, if I may so term it, upon the importation of certain dyestuffs from Germany should be enforced. The time specified in the joint resolution is nearly here, and we had hoped that we could get the bill into the Senate during the coming week and have it considered by the Senate.

I am perfectly willing to proceed this afternoon with the discussion of the pending bill or to take it up the first thing in the morning. I should very much prefer to take it up in the morning. If the Senator from South Dakota does not object, and that will allow the committee to proceed to-day with the consideration of the dye bill.

I ask the Senator from South Dakota what is his opinion in relation to the matter.

Mr. STERLING. Mr. President, I do not like to see the pending bill any longer delayed. It will be recalled, I think, by the Senator from Utah that the bill was before the Senate for three days last week, and on two of those days the Senate adjourned at an early hour because we could not get a quorum. We were unable to do anything on the bill yesterday, and the time to-day has been largely occupied with other matters. It seems to me we ought to proceed with the consideration of the bill. I want the Senator from Utah to know that I appreciate his situation.

Mr. SMOOT. I will say to the Senator that to-morrow morning I do not expect to occupy more than an hour's time in the discussion of the measure. I am perfectly willing to vote upon it right now so far as I am concerned, but I do think that for the benefit of the Record there ought to be a statement made as to just the difference between the estimates made by the Senator in his report and those made by the board of efficiency of the department. I am not going to take any time of the Senate simply to talk; I merely want to present those figures to the Senate, and then I am perfectly willing to vote upon every amendment and upon the bill itself just as quickly as possible.

Mr. STERLING. I should like to know if there is not some other Senator who would occupy the time this afternoon?

Mr. SMOOT. If there is anyone else to speak, I would be glad to have him speak this afternoon.

Mr. ROBINSON. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 11, 1920, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 10, 1920.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

With increased devotion and growing fervor, Father in heaven, we would worship Thee in spirit and in truth, that by Thy holy influence we may develop all that is purest, noblest, God-like in our being and eliminate the evil; that we may be worthy of Thy preferment and leave the world a little better that we have lived and wrought; and thus be the instruments in Thy hands of establishing brotherly love in all the world; that peace, joy, happiness, may reign in all hearts and Thy will be done. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

COAL, OIL, AND GAS ON THE PUBLIC DOMAIN—CONFERENCE REPORT.

Mr. SINNOTT. Mr. Speaker, I call up the conference report on the oil-leasing bill, S. 2775.

The SPEAKER. The gentleman from Oregon calls up the conference report on the oil-leasing bill, which the Clerk will report.

The Clerk read as follows:

A bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Oregon asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. MANN of Illinois. Reserving the right to object, Mr. Speaker, this is a new bill, practically. It is a compromise, I suppose, between the House and the Senate bills. It has never been read in the House, and the Senate amendments have never been read in the House. Does not the gentleman think that it would be advisable, as a matter of record at least, to have read the bill which we are to vote upon?

Mr. SINNOTT. There are not many changes from the House bill.

Mr. MANN of Illinois. I think it is desirable.

Mr. SINNOTT. Then, I will withdraw the request.

Mr. MONDELL. Mr. Speaker, the fact is there are very, very few changes in the bill as it passed the House, so that the House has had the bill, and has examined the bill, and has passed the bill practically as it is now before us. On the other hand, I think there is no objection to reading the report of the conferees if that is desired.

Mr. MANN of Illinois. I ask that it be read.

The SPEAKER. The Clerk will read the report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2775) to promote the mining of coal, phosphate, oil, gas, and sodium on the public domain having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the title to the bill, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House amendment insert the following:

"That deposits of coal, phosphate, sodium, oil, oil shale, or gas, and lands containing such deposits owned by the United States, including those in national forests, but excluding lands acquired under the act known as the Appalachian Forest act, approved March 1, 1911 (36 Stat., p. 961), and those in national parks, and in lands withdrawn or reserved for military or naval uses or purposes, except as hereinafter provided, shall be subject to disposition in the form and manner provided by this act to citizens of the United States, or to any association of such persons, or to any corporation organized under the laws of the United States, or of any State or Territory thereof, and in the case of coal, oil, oil shale, or gas, to municipalities: *Provided*, That the United States reserves the right to extract helium from all gas produced from lands permitted, leased, or otherwise granted under the provisions of this act, under such rules and regulations as shall be prescribed by the Secretary of the Interior: *Provided further*, That in the extraction of helium from gas produced from such lands, it shall be so extracted as to cause no substantial delay in the delivery of gas produced from the well to the purchaser thereof: *And provided further*, That citizens of another country, the laws, customs, or regulations of which, deny similar or like privileges to citizens or corporations of this country, shall not by stock ownership, stock holding, or stock control, own any interest in any lease acquired under the provisions of this act.

"COAL.

"SEC. 2. That the Secretary of the Interior is authorized to, and upon the petition of any qualified applicant shall, divide any of the coal lands or the deposits of coal, classified and unclassified, owned by the United States, outside of the Territory of Alaska, into leasing tracts of 40 acres each, or multiples thereof, and in such form as, in the opinion of the Secretary of the Interior, will permit the most economical mining of the coal in such tracts, but in no case exceeding 2,560 acres in any one leasing tract, and thereafter the Secretary of the Interior shall, in his discretion, upon the request of any qualified applicant or on his own motion, from time to time, offer such lands or deposits of coal for leasing, and shall award leases thereon by competitive bidding or by such other methods as he may by

general regulations adopt, to any qualified applicant: *Provided*, That the Secretary is hereby authorized, in awarding leases for coal lands heretofore improved and occupied or claimed in good faith, to consider and recognize equitable rights of such occupants or claimants: *Provided further*, That where prospecting or exploratory work is necessary to determine the existence or workability of coal deposits in any unclaimed, undeveloped area, the Secretary of the Interior may issue, to applicants qualified under this act, prospecting permits for a term of two years, for not exceeding 2,560 acres; and if within said period of two years thereafter, the permittee shows to the Secretary that the land contains coal in commercial quantities, the permittee shall be entitled to a lease under this act for all or part of the land in his permit: *And provided further*, That no lease of coal under this act shall be approved or issued until after notice of the proposed lease, or offering for lease, has been given for 30 days in a newspaper of general circulation in the county in which the lands or deposits are situated: *And provided further*, That no company or corporation operating a common carrier railroad shall be given or hold a permit or lease under the provisions of this act for any coal deposits except for its own use for railroad purposes; and such limitations of use shall be expressed in all permits and leases issued to such companies or corporations, and no such company or corporation shall receive or hold more than one permit or lease for each 200 miles of its railroad line within the State in which said property is situated, exclusive of spurs or switches and exclusive of branch lines built to connect the leased coal with the railroad, and also exclusive of parts of the railroad operated mainly by power produced otherwise than by steam: *And provided further*, That nothing herein shall preclude such a railroad of less than 200 miles in length from securing and holding one permit or lease hereunder.

"SEC. 3. That any person, association, or corporation holding a lease of coal lands or coal deposits under this act may, with the approval of the Secretary of the Interior, upon a finding by him that it will be for the advantage of the lessee and the United States, secure modifications of his or its original lease by including additional coal lands or coal deposits contiguous to those embraced in such lease, but in no event shall the total area embraced in such modified lease exceed in the aggregate 2,560 acres.

"SEC. 4. That upon satisfactory showing by any lessee to the Secretary of the Interior that all of the workable deposits of coal within a tract covered by his or its lease will be exhausted, worked out, or removed within three years thereafter, the Secretary of the Interior may, within his discretion, lease to such lessee an additional tract of land or coal deposits, which, including the coal area remaining in the existing lease, shall not exceed 2,560 acres, through the same procedure and under the same conditions as in case of an original lease.

"SEC. 5. That if, in the judgment of the Secretary of the Interior, the public interest will be subserved thereby, lessees holding under lease areas not exceeding the maximum permitted under this act may consolidate their leases through the surrender of the original leases and the inclusion of such areas in a new lease of not to exceed 2,560 acres of contiguous lands.

"SEC. 6. That where coal or phosphate lands aggregating 2,560 acres and subject to lease hereunder do not exist as contiguous areas, the Secretary of the Interior is authorized, if, in his opinion, the interests of the public and of the lessee will be thereby subserved, to embrace in a single lease noncontiguous tracts which can be operated as a single mine or unit.

"SEC. 7. That for the privilege of mining or extracting the coal in the lands covered by the lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be fixed in advance of offering the same, and which shall not be less than 5 cents per ton of 2,000 pounds, due and payable at the end of each third month succeeding that of the extraction of the coal from the mine, and an annual rental, payable at the date of such lease and annually thereafter, on the lands or coal deposits covered by such lease, at such rate as may be fixed by the Secretary of the Interior prior to offering the same, which shall not be less than 25 cents per acre for the first year thereafter, not less than 50 cents per acre for the second, third, fourth, and fifth years, respectively, and not less than \$1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition of diligent development and continued operation of the mine or mines, except when such operation shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, and upon the further condition that at the end of each 20-year period succeeding the date of the lease such readjustment of terms and conditions may be made as the Secretary of the

Interior may determine, unless otherwise provided by law at the time of the expiration of such periods: *Provided*, That the Secretary of the Interior may, if in his judgment the public interest will be subserved thereby, in lieu of the provision herein contained requiring continuous operation of the mine or mines, provide in the lease for the payment of an annual advance royalty upon a minimum number of tons of coal, which in no case shall aggregate less than the amount of rentals herein provided for: *Provided further*, That the Secretary of the Interior may permit suspension of operation under such lease for not to exceed six months at any one time when market conditions are such that the lease can not be operated except at a loss.

"Sec. 8. That in order to provide for the supply of strictly local domestic needs for fuel, the Secretary of the Interior may, under such rules and regulations as he may prescribe in advance, issue limited licenses or permits to individuals or associations of individuals to prospect for, mine, and take for their use but not for sale, coal from the public lands without payment of royalty for the coal mined or the land occupied, on such conditions not inconsistent with this act as in his opinion will safeguard the public interests: *Provided*, That this privilege shall not extend to any corporations: *Provided further*, That in the case of municipal corporations the Secretary of the Interior may issue such limited license or permit, for not to exceed 320 acres for a municipality of less than 100,000 population, and not to exceed 1,280 acres for a municipality of not less than 100,000 and not more than 150,000 population; and not to exceed 2,560 acres for a municipality of 150,000 population or more, the land to be selected within the State wherein the municipal applicant may be located, upon condition that such municipal corporations will mine the coal therein under proper conditions and dispose of the same without profit to residents of such municipality for household use: *And provided further*, That the acquisition or holding of a lease under the preceding sections of this act shall be no bar to the holding of such tract or operation of such mine under said limited license.

"PHOSPHATES.

"Sec. 9. That the Secretary of the Interior is hereby authorized to lease to any applicant qualified under this act any lands belonging to the United States containing deposits of phosphates, under such restrictions and upon such terms as are herein specified, through advertisement, competitive bidding, or such other methods as the Secretary of the Interior may by general regulation adopt.

"Sec. 10. That each lease shall be for not to exceed 2,560 acres of land to be described by the legal subdivisions of the public land surveys, if surveyed; if unsurveyed, to be surveyed by the Government at the expense of the applicant for lease, in accordance with rules and regulations prescribed by the Secretary of the Interior, and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such survey; deposits made to cover expense of surveys shall be deemed appropriated for that purpose; and any excess deposits shall be repaid to the person, association, or corporation making such deposits or their legal representatives: *Provided*, That the land embraced in any one lease shall be in compact form, the length of which shall not exceed two and one-half times its width.

"Sec. 11. That for the privilege of mining or extracting the phosphates or phosphate rock covered by the lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be fixed by the Secretary of the Interior in advance of offering the same, which shall be not less than 2 per cent of the gross value of the output of phosphates or phosphate rock at the mine, due and payable at the end of each third month succeeding that of the sale or other disposition of the phosphates or phosphate rock, and an annual rental payable at the date of such lease and annually thereafter on the area covered by such lease at such rate as may be fixed by the Secretary of the Interior prior to offering the lease, which shall be not less than 25 cents per acre for the first year thereafter, 50 cents per acre for the second, third, fourth, and fifth years, respectively, and \$1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition of a minimum annual production, except when operation shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, and upon the further condition that at the end of each 20-year period succeeding the date of the lease such readjustment of terms and conditions shall be made as the Secretary of the Interior shall determine unless otherwise provided by law at the time of the expiration of such periods: *Provided*, That the Secretary of the Interior may permit suspension of operation under such lease for not exceeding 12 months

at any one time when market conditions are such that the lease can not be operated except at a loss.

"Sec. 12. That any qualified applicant to whom the Secretary of the Interior may grant a lease to develop and extract phosphates, or phosphate rock, under the provisions of this act shall have the right to use so much of the surface of unappropriated and unentered lands, not exceeding 40 acres, as may be determined by the Secretary of the Interior to be necessary for the proper prospecting for or development, extraction, treatment, and removal of such mineral deposits.

"OIL AND GAS.

"Sec. 13. That the Secretary of the Interior is hereby authorized, under such necessary and proper rules and regulations as he may prescribe, to grant to any applicant qualified under this act a prospecting permit, which shall give the exclusive right, for a period not exceeding two years, to prospect for oil or gas upon not to exceed 2,560 acres of land wherein such deposits belong to the United States and are not within any known geological structure of a producing oil or gas field upon condition that the permittee shall begin drilling operations within six months from the date of the permit, and shall, within one year from and after the date of permit, drill one or more wells for oil or gas to a depth of not less than 500 feet each, unless valuable deposits of oil or gas shall be sooner discovered, and shall, within two years from date of the permit, drill for oil or gas to an aggregate depth of not less than 2,000 feet unless valuable deposits of oil or gas shall be sooner discovered. The Secretary of the Interior may, if he shall find that the permittee has been unable with the exercise of diligence to test the land in the time granted by the permit, extend any such permit for such time, not exceeding two years, and upon such conditions as he shall prescribe. Whether the lands sought in any such application and permit are surveyed or unsurveyed the applicant shall, prior to filing his application for permit, locate such lands in a reasonably compact form and according to the legal subdivisions of the public-land surveys if the land be surveyed; and in an approximately square or rectangular tract if the land be an unsurveyed tract, the length of which shall not exceed two and one-half times its width, and if he shall cause to be erected upon the land for which a permit is sought a monument not less than 4 feet high, at some conspicuous place thereon, and shall post a notice in writing on or near said monument, stating that an application for permit will be made within 30 days after date of posting said notice, the name of the applicant, the date of the notice, and such a general description of the land to be covered by such permit by reference to courses and distances from such monument and such other natural objects and permanent monuments as will reasonably identify the land, stating the amount thereof in acres, he shall during the period of 30 days following such marking and posting, be entitled to a preference right over others to a permit for the land so identified. The applicant shall, within 90 days after receiving a permit, mark each of the corners of the tract described in the permit upon the ground with substantial monuments, so that the boundaries can be readily traced on the ground, and shall post in a conspicuous place upon the lands a notice that such permit has been granted and a description of the lands covered thereby: *Provided*, That in the Territory of Alaska prospecting permits not more than five in number may be granted to any qualified applicant for periods not exceeding four years, actual drilling operations shall begin within two years from date of permit, and oil and gas wells shall be drilled to a depth of not less than 500 feet, unless valuable deposits of oil or gas shall be sooner discovered, within three years from date of the permit and to an aggregate depth of not less than 2,000 feet unless valuable deposits of oil or gas shall be sooner discovered, within four years from date of permit: *Provided further*, That in said Territory the applicant shall have a preference right over others to a permit for land identified by temporary monuments and notice posted on or near the same for six months following such marking and posting, and upon receiving a permit he shall mark the corners of the tract described in the permit upon the ground with substantial monuments within one year after receiving such permit.

"Sec. 14. That upon establishing to the satisfaction of the Secretary of the Interior that valuable deposits of oil or gas have been discovered within the limits of the land embraced in any permit, the permittee shall be entitled to a lease for one-fourth of the land embraced in the prospecting permit: *Provided*, That the permittee shall be granted a lease for as much as 160 acres of said lands, if there be that number of acres within the permit. The area, to be selected by the permittee, shall be in compact form and, if surveyed, to be described by the legal subdivisions of the public-land surveys; if unsurveyed, to be surveyed by the Government at the expense of the applicant

for lease in accordance with rules and regulations to be prescribed by the Secretary of the Interior and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such surveys; deposits made to cover expense of surveys shall be deemed appropriated for that purpose, and any excess deposits may be repaid to the person or persons making such deposit or their legal representatives. Such leases shall be for a term of 20 years upon a royalty of 5 per cent in amount or value of the production and the annual payment in advance of a rental of \$1 per acre, the rental paid for any one year to be credited against the royalties as they accrue for that year, with the right of renewal as prescribed in section 17 hereof. The permittee shall also be entitled to a preference right to a lease for the remainder of the land in his prospecting permit at a royalty of not less than 12½ per cent in amount or value of the production, and under such other conditions as are fixed for oil or gas leases in this act, the royalty to be determined by competitive bidding or fixed by such other method as the Secretary may by regulations prescribe: *Provided*, That the Secretary shall have the right to reject any or all bids.

"Sec. 15. That until the permittee shall apply for lease to the one quarter of the permit area heretofore provided for he shall pay to the United States 20 per cent of the gross value of all oil or gas secured by him from the lands embraced within his permit and sold or otherwise disposed of or held by him for sale or other disposition.

"Sec. 16. That all permits and leases of lands containing oil or gas, made or issued under the provisions of this act, shall be subject to the conditions that no wells shall be drilled within 200 feet of any of the outer boundaries of the lands so permitted or leased, unless the adjoining lands have been patented or the title thereto otherwise vested in private owners, and to the further condition that the permittee or lessee will, in conducting his explorations and mining operations, use all reasonable precautions to prevent waste of oil or gas developed in the land, or the entrance of water through wells drilled by him to the oil sands or oil-bearing strata, to the destruction or injury of the oil deposits. Violations of the provisions of this section shall constitute grounds for the forfeiture of the permit or lease, to be enforced through appropriate proceedings in courts of competent jurisdiction.

"Sec. 17. That all unappropriated deposits of oil or gas situated within the known geologic structure of a producing oil or gas field and the unentered lands containing the same, not subject to preferential lease, may be leased by the Secretary of the Interior to the highest responsible bidder by competitive bidding under general regulations to qualified applicants in areas not exceeding 640 acres and in tracts which shall not exceed in length two and one-half times their width, such leases to be conditioned upon the payment by the lessee of such bonus as may be accepted and of such royalty as may be fixed in the lease, which shall not be less than 12½ per cent in amount or value of the production, and the payment in advance of a rental of not less than \$1 per acre per annum thereafter during the continuance of the lease, the rental paid for any one year to be credited against the royalties as they accrue for that year. Leases shall be for a period of 20 years, with the preferential right in the lessee to renew the same for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior, unless otherwise provided by law at the time of the expiration of such periods. Whenever the average daily production of any oil well shall not exceed 10 barrels per day, the Secretary of the Interior is authorized to reduce the royalty on future production when in his judgment the wells can not be successfully operated upon the royalty fixed in the lease. The provisions of this paragraph shall apply to all oil and gas leases made under this act.

"Sec. 18. That upon relinquishment to the United States, filed in the General Land Office within six months after the approval of this act, of all right, title, and interest claimed and possessed prior to July 3, 1910, and continuously since by the claimant or his predecessor in interest under the preexisting placer mining law to any oil or gas bearing land upon which there has been drilled one or more oil or gas wells to discovery embraced in the Executive order of withdrawal issued September 27, 1909, and not within any naval petroleum reserve, and upon payment as royalty to the United States of an amount equal to the value at the time of production of one-eighth of all the oil or gas already produced except oil or gas used for production purposes on the claim, or unavoidably lost, from such land, the claimant, or his successor, if in possession of such land, undisputed by any other claimant prior to July 1, 1919, shall be entitled to a lease thereon from the United States for a period of 20 years, at a royalty of not less than 12½ per cent of all the oil or gas produced except oil or gas used for production purposes on the

claim, or unavoidably lost: *Provided*, That not more than one-half of the area, but in no case to exceed 3,200 acres, within the geologic oil or gas structure of a producing oil or gas field shall be leased to any one claimant under the provision of this section when the area of such geologic oil structure exceeds 640 acres. Any claimant or his successor, subject to this limitation, shall, however, have the right to select and receive the lease as in this section provided for that portion of his claim or claims equal to, but not in excess of, said one-half of the area of such geologic oil structure, but not more than 3,200 acres.

"All such leases shall be made and the amount of royalty to be paid for oil and gas produced, except oil or gas used for production purposes on the claim, or unavoidably lost, after the execution of such lease shall be fixed by the Secretary of the Interior under appropriate rules and regulations: *Provided, however*, That as to all like claims situate within any naval petroleum reserve the producing wells thereon only shall be leased, together with an area of land sufficient for the operation thereof, upon the terms and payment of royalties for past and future production as herein provided for in the leasing of claims. No wells shall be drilled in the land subject to this provision within 660 feet of any such leased well without the consent of the lessee: *Provided, however*, That the President may, in his discretion, lease the remainder or any part of any such claim upon which such wells have been drilled, and in the event of such leasing said claimant or his successor shall have a preference right to such lease: *And provided further*, That he may permit the drilling of additional wells by the claimant or his successor within the limited area of 660 feet theretofore provided for upon such terms and conditions as he may prescribe.

"No claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section.

"Upon the delivery and acceptance of the lease, as in this section provided, all suits brought by the Government affecting such lands may be settled and adjusted in accordance herewith and all moneys impounded in such suits or under the act entitled 'An act to amend an act entitled "An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest," approved March 2, 1911,' approved August 25, 1914 (38 Stat. L., p. 708), shall be paid over to the parties entitled thereto. In case of conflicting claimants for leases under this section, the Secretary of the Interior is authorized to grant leases to one or more of them as shall be deemed just. All leases hereunder shall inure to the benefit of the claimant and all persons claiming through or under him by lease, contract, or otherwise, as their interests may appear, subject, however, to the same limitation as to area and acreage as is provided for claimant in this section: *Provided*, That no claimant acquiring any interest in such lands since September 1, 1919, from a claimant on or since said date claiming or holding more than the maximum allowed claimant under this section shall secure a lease thereon or any interest therein, but the inhibition of this proviso shall not apply to an exchange of any interest in such lands made prior to the 1st day of January, 1920, which did not increase or reduce the area or acreage held or claimed in excess of said maximum by either party to the exchange: *Provided further*, That no lease or leases under this section shall be granted, nor shall any interest therein inure to any person, association, or corporation for a greater aggregate area or acreage than the maximum in this section provided for.

"Sec. 18a. That whenever the validity of any gas or petroleum placer claim under preexisting law to land embraced in the Executive order of withdrawal issued September 27, 1909, has been or may hereafter be drawn in question on behalf of the United States in any departmental or judicial proceedings, the President is hereby authorized at any time within 12 months after the approval of this act to direct the compromise and settlement of any such controversy upon such terms and conditions as may be agreed upon, to be carried out by an exchange or division of land or division of the proceeds of operation.

"Sec. 19. That any person who on October 1, 1919, was a bona fide occupant or claimant of oil or gas lands under a claim initiated while such lands were not withdrawn from oil or gas location and entry, and who had previously performed all acts under then existing laws necessary to valid locations thereof except to make discovery, and upon which discovery had not been made prior to the passage of this act, and who has performed work or expended on or for the benefit of such locations an amount equal in the aggregate of \$250 for each location if application therefor shall be made within six months from the passage of this act shall be entitled to prospecting permits thereon upon the same terms and conditions, and limitations as to acreage, as other

permits provided for in this act, or where any such person has heretofore made such discovery, he shall be entitled to a lease thereon under such terms as the Secretary of the Interior may prescribe unless otherwise provided for in section 18 hereof: *Provided*, That where such prospecting permit is granted upon land within any known geologic structure of a producing oil or gas field, the royalty to be fixed in any lease thereafter granted thereon or any portion thereof shall be not less than 12½ per cent of all the oil or gas produced except oil or gas used for production purposes on the claim, or unavoidably lost: *Provided, however*, That the provisions of this section shall not apply to lands reserved for the use of the Navy: *Provided, however*, That no claimant for a permit or lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section.

"All permits or leases hereunder shall inure to the benefit of the claimant and all persons claiming through or under him by lease, contract, or otherwise, as their interests may appear.

"SEC. 20. In the case of lands bona fide entered as agricultural, and not withdrawn or classified as mineral at the time of entry, but not including lands claimed under any railroad grant, the entryman or patentee, or assigns, where assignment was made prior to January 1, 1918, if the entry has been patented with the mineral right reserved, shall be entitled to a preference right to a permit and to a lease, as herein provided, in case of discovery; and within an area not greater than a township such entryman and patentees, or assigns holding restricted patents may combine their holdings, not to exceed 2,560 acres for the purpose of making joint application. Leases executed under this section and embracing only lands so entered shall provide for the payment of a royalty of not less than 12½ per cent as to such areas within the permit as may not be included within the discovery lease to which the permittee is entitled under section 14 hereof.

"OIL SHALE.

"SEC. 21. That the Secretary of the Interior is hereby authorized to lease to any person or corporation qualified under this act any deposits of oil shale belonging to the United States and the surface of so much of the public lands containing such deposits, or land adjacent thereto, as may be required for the extraction and reduction of the leased minerals, under such rules and regulations, not inconsistent with this act, as he may prescribe; that no lease hereunder shall exceed 5,120 acres of land, to be described by the legal subdivisions of the public-land surveys, or if unsurveyed, to be surveyed by the United States, at the expense of the applicant, in accordance with regulations to be prescribed by the Secretary of the Interior. Leases may be for indeterminate periods, upon such conditions as may be imposed by the Secretary of the Interior, including covenants relative to methods of mining, prevention of waste, and productive development. For the privilege of mining, extracting, and disposing of the oil or other minerals covered by a lease under this section the lessee shall pay to the United States such royalties as shall be specified in the lease and an annual rental, payable at the beginning of each year, at the rate of 50 cents per acre per annum, for the lands included in the lease, the rental paid for any one year to be credited against the royalties accruing for that year; such royalties to be subject to readjustment at the end of each 20-year period by the Secretary of the Interior: *Provided*, That for the purpose of encouraging the production of petroleum products from shales the Secretary may, in his discretion, waive the payment of any royalty and rental during the first five years of any lease: *Provided*, That any person having a valid claim to such minerals under existing laws on January 1, 1919, shall, upon the relinquishment of such claim, be entitled to a lease under the provisions of this section for such area of the land relinquished as shall not exceed the maximum area authorized by this section to be leased to an individual or corporation: *Provided, however*, That no claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section: *Provided further*, That not more than one lease shall be granted under this section to any one person, association, or corporation.

"ALASKA OIL PROVISION.

"SEC. 22. That any bona fide occupant or claimant of oil or gas bearing lands in the Territory of Alaska, who, or whose predecessors in interest, prior to withdrawal had complied otherwise with the requirements of the mining laws, but had made no discovery of oil or gas in wells and who prior to withdrawal had made substantial improvements for the discovery

of oil or gas on or for each location or had prior to the passage of this act expended not less than \$250 in improvements on or for each location shall be entitled, upon relinquishment or surrender to the United States within one year from the date of this act, or within six months after final denial or withdrawal of application for patent, to a prospecting permit or permits, lease or leases, under this act covering such lands, not exceeding five permits or leases in number and not exceeding an aggregate of 1,280 acres in each: *Provided*, That leases in Alaska under this act whether as a result of prospecting permits or otherwise shall be upon such rental and royalties as shall be fixed by the Secretary of the Interior and specified in the lease, and be subject to readjustment at the end of each 20-year period of the lease: *Provided further*, That for the purpose of encouraging the production of petroleum products in Alaska the Secretary may, in his discretion, waive the payment of any rental or royalty not exceeding the first five years of any lease.

"No claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section.

"SODIUM.

"SEC. 23. That the Secretary of the Interior is hereby authorized and directed, under such rules and regulations as he may prescribe, to grant to any qualified applicant a prospecting permit which shall give the exclusive right to prospect for chlorides, sulphates, carbonates, borates, silicates, or nitrates of sodium dissolved in and soluble in water, and accumulated by concentration, in lands belonging to the United States for a period of not exceeding two years: *Provided*, That the area to be included in such a permit shall be not exceeding 2,560 acres of land in reasonably compact form: *Provided further*, That the provisions of this section shall not apply to lands in San Bernardino County, Calif.

"SEC. 24. That upon showing to the satisfaction of the Secretary of the Interior that valuable deposits of one of the substances enumerated in section 23 hereof has been discovered by the permittee within the area covered by his permit and that such land is chiefly valuable therefor the permittee shall be entitled to a lease for one-half of the land embraced in the prospecting permit, at a royalty of not less than one-eighth of the amount or value of the production, to be taken and described by legal subdivisions of the public-land surveys, or if the land be not surveyed by survey executed at the cost of the permittee in accordance with rules and regulations to be prescribed by the Secretary of the Interior. The permittee shall also have the preference right to lease the remainder of the lands embraced within the limits of his permit at a royalty of not less than one-eighth of the amount or value of the production to be fixed by the Secretary of the Interior. Lands known to contain such valuable deposits as are enumerated in section 23 hereof and not covered by permits or leases, except such lands as are situated in said county of San Bernardino, shall be held subject to lease, and may be leased by the Secretary of the Interior through advertisement, competitive bidding, or such other methods as he may by general regulations adopt, and in such areas as he shall fix, not exceeding 2,560 acres; all leases to be conditioned upon the payment by the lessee of such royalty of not less than one-eighth of the amount or value of the production as may be fixed in the lease, and the payment in advance of a rental of 50 cents per acre for the first calendar year or fraction thereof and \$1 per acre per annum thereafter during the continuance of the lease, the rental paid for any one year to be credited on the royalty for that year. Leases may be for indeterminate periods, subject to readjustment at the end of each 20-year period, upon such conditions not inconsistent herewith as may be incorporated in each lease or prescribed in general regulation theretofore issued by the Secretary of the Interior, including covenants relative to mining methods, waste, period of preliminary development, and minimum production, and a lessee under this section may be lessee of the remaining lands in his permit.

"SEC. 25. That in addition to areas of such mineral land which may be included in any such prospecting permits or leases, the Secretary of the Interior, in his discretion, may grant to a permittee or lessee of lands containing sodium deposits, and subject to the payment of an annual rental of not less than 25 cents per acre, the exclusive right to use, during the life of the permit or lease, a tract of unoccupied nonmineral public land, not exceeding 40 acres in area, for camp sites, refining works, and other purposes connected with and necessary to the proper development and use of the deposits covered by the permit or lease.

"GENERAL PROVISIONS APPLICABLE TO COAL, PHOSPHATE, SODIUM, OIL, OIL SHALE, AND GAS LEASES.

"SEC. 26. That the Secretary of the Interior shall reserve and may exercise the authority to cancel any prospecting permit upon failure by the permittee to exercise due diligence in the prosecution of the prospecting work in accordance with the terms and conditions stated in the permit, and shall insert in every such permit issued under the provisions of this act appropriate provisions for its cancellation by him.

"SEC. 27. That no person, association, or corporation, except as herein provided, shall take or hold more than one coal, phosphate, or sodium lease during the life of such lease in any one State; no person, association, or corporation shall take or hold, at one time, more than three oil or gas leases granted hereunder in any one State, and not more than one lease within the geologic structure of the same producing oil or gas field; no corporation shall hold any interest as a stockholder of another corporation in more than such number of leases; and no person or corporation shall take or hold any interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof, which, together with the area embraced in any direct holding of a lease under this act, or which, together with any other interest or interests as a member of an association or associations or as a stockholder of a corporation or corporations holding a lease under the provisions hereof, for any kind of mineral leased hereunder, exceeds in the aggregate an amount equivalent to the maximum number of acres of the respective kinds of minerals allowed to any one lessee under this act. Any interests held in violation of this act shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property, or some part thereof, is located, except that any ownership or interest forbidden in this act which may be acquired by descent, will, judgment, or decree may be held for two years and not longer after its acquisition: *Provided*, That nothing herein contained shall be construed to limit sections 18, 18a, 19, and 22 or to prevent any number of lessees under the provisions of this act from combining their several interests so far as may be necessary for the purposes of constructing and carrying on the business of a refinery, or of establishing and constructing as a common carrier a pipe line or lines of railroads to be operated and used by them jointly in the transportation of oil from their several wells, or from the wells of other lessees under this act, or the transportation of coal: *Provided further*, That any combination for such purpose or purposes shall be subject to the approval of the Secretary of the Interior on application to him for permission to form the same: *And provided further*, That if any of the lands or deposits leased under the provisions of this act shall be subleased, trusted, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form part of, or are in anywise controlled by any combination in the form of an unlawful trust, with consent of lessee, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, phosphate, oil, oil shale, gas, or sodium entered into by the lessee, or any agreement or understanding, written, verbal, or otherwise to which such lessee shall be a party, of which his or its output is to be or become the subject, to control the price or prices thereof or of any holding of such lands by any individual, partnership, association, corporation, or control, in excess of the amounts of lands provided in this act, the lease thereof shall be forfeited by appropriate court proceedings.

"SEC. 28. That rights of way through the public lands, including the forest reserves of the United States, are hereby granted for pipe-line purposes for the transportation of oil or natural gas to any applicant possessing the qualifications provided in section 1 of this act, to the extent of the ground occupied by the said pipe line and 25 feet on each side of the same under such regulations as to survey, location, application, and use as may be prescribed by the Secretary of the Interior and upon the express condition that such pipe lines shall be constructed, operated, and maintained as common carriers: *Provided*, That the Government shall in express terms reserve and shall provide in every lease of oil lands hereunder that the lessee, assignee, or beneficiary, if owner, or operator or owner of a controlling interest in any pipe line or of any company operating the same which may be operated accessible to the oil derived from lands under such lease, shall at reasonable rates and without discrimination accept and convey the oil of the Government or of any citizen or company, not the owner of any pipe line, operating a lease or purchasing gas or oil under the provisions of this act: *Provided*

further, That no right of way shall hereafter be granted over said lands for the transportation of oil or natural gas except under and subject to the provisions, limitations, and conditions of this section. Failure to comply with the provisions of this section or the regulations prescribed by the Secretary of the Interior shall be ground for forfeiture of the grant by the United States district court for the district in which the property, or some part thereof, is located in an appropriate proceeding.

"SEC. 29. That any permit, lease, occupation, or use permitted under this act shall reserve to the Secretary of the Interior the right to permit upon such terms as he may determine to be just, for joint or several use, such easements or rights of way, including easements in tunnels upon, through, or in the lands leased, occupied, or used as may be necessary or appropriate to the working of the same, or of other lands containing the deposits described in this act, and the treatment and shipment of the products thereof by or under authority of the Government, its lessees, or permittees, and for other public purposes: *Provided*, That said Secretary, in his discretion, in making any lease under this act, may reserve to the United States the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease under existing law or laws hereafter enacted, in so far as said surface is not necessary for use of the lessee in extracting and removing the deposits therein: *Provided further*, That if such reservation is made it shall be so determined before the offering of such lease: *And provided further*, That the said Secretary, during the life of the lease, is authorized to issue such permits for easements herein provided to be reserved.

"SEC. 30. That no lease issued under the authority of this act shall be assigned or sublet, except with the consent of the Secretary of the Interior. The lessee may, in the discretion of the Secretary of the Interior, be permitted at any time to make written relinquishment of all rights, under such a lease, and upon acceptance thereof be thereby relieved of all future obligations under said lease, and may with like consent surrender any legal subdivision of the area included within the lease. Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property; a provision that such rules for the safety and welfare of the miners and for the prevention of undue waste as may be prescribed by said Secretary shall be observed, including a restriction of the workday to not exceeding eight hours in any one day for underground workers except in cases of emergency; provisions prohibiting the employment of any boy under the age of 16 or the employment of any girl or woman, without regard to age, in any mine below the surface; provisions securing the workmen complete freedom of purchase; provision requiring the payment of wages at least twice a month in lawful money of the United States, and providing proper rules and regulations to insure the fair and just weighing or measurement of the coal mined by each miner, and such other provisions as he may deem necessary to insure the sale of the production of such leased lands to the United States and to the public at reasonable prices, for the protection of the interests of the United States, for the prevention of monopoly, and for the safeguarding of the public welfare: *Provided*, That none of such provisions shall be in conflict with the laws of the State in which the leased property is situated.

"SEC. 31. That any lease issued under the provisions of this act may be forfeited and canceled by an appropriate proceeding in the United States district court for the district in which the property, or some part thereof, is located whenever the lessee fails to comply with any of the provisions of this act, of the lease, or of the general regulations promulgated under this act and in force at the date of the lease; and the lease may provide for resort to appropriate methods for the settlement of disputes or for remedies for breach of specified conditions thereof.

"SEC. 32. That the Secretary of the Interior is authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this act, also to fix and determine the boundary lines of any structure, or oil or gas field, for the purposes of this act: *Provided*, That nothing in this act shall be construed or held to affect the rights of the States or other local authority to exercise any rights which they may have, including the right to levy and collect taxes upon improvements, output of mines, or other rights, property, or assets of any lessee of the United States.

"SEC. 33. That all statements, representations, or reports required by the Secretary of the Interior under this act shall be upon oath, unless otherwise specified by him, and in such form and upon such blanks as the Secretary of the Interior may require.

"SEC. 34. That the provisions of this act shall also apply to all deposits of coal, phosphate, sodium, oil, oil shale, or gas in the lands of the United States, which lands may have been or may be disposed of under laws reserving to the United States such deposits, with the right to prospect for, mine, and remove the same, subject to such conditions as are or may hereafter be provided by such laws reserving such deposits.

"SEC. 35. That 10 per cent of all money received from sales, bonuses, royalties, and rentals under the provisions of this act, excepting those from Alaska, shall be paid into the Treasury of the United States and credited to miscellaneous receipts; for past production 70 per cent, and for future production 52½ per cent of the amounts derived from such bonuses, royalties, and rentals shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress, known as the reclamation act, approved June 17, 1902, and for past production 20 per cent and for future production 37½ per cent of the amounts derived from such bonuses, royalties, and rentals shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions, as the legislature of the State may direct: *Provided*, That all moneys which may accrue to the United States under the provisions of this act from lands within the naval petroleum reserves shall be deposited in the Treasury as 'Miscellaneous receipts.'

"SEC. 36. That all royalty accruing to the United States under any oil or gas lease or permit under this act on demand of the Secretary of the Interior shall be paid in oil or gas.

"Upon granting any oil or gas lease under this act, and from time to time thereafter during said lease, the Secretary of the Interior shall, except whenever in his judgment it is desirable to retain the same for the use of the United States, offer for sale for such period as he may determine, upon notice and advertisement on sealed bids or at public auction, all royalty oil and gas accruing or reserved to the United States under such lease. Such advertisement and sale shall reserve to the Secretary of the Interior the right to reject all bids whenever within his judgment the interest of the United States demands; and in cases where no satisfactory bid is received or where the accepted bidder fails to complete the purchase, or where the Secretary of the Interior shall determine that it is unwise in the public interest to accept the offer of the highest bidder, the Secretary of the Interior, within his discretion, may readvertise such royalty for sale, or sell at private sale at not less than the market price for such period, or accept the value thereof from the lessee: *Provided*, however, That pending the making of a permanent contract for the sale of any royalty oil or gas as herein provided, the Secretary of the Interior may sell the current product at private sale, at not less than the market price: *And provided further*, That any royalty oil or gas may be sold at not less than the market price at private sale to any department or agency of the United States.

"SEC. 37. That the deposits of coal, phosphate, sodium, oil, oil shale, and gas, herein referred to, in lands valuable for such minerals, including lands and deposits described in the joint resolution entitled 'Joint resolution authorizing the Secretary of the Interior to permit the continuation of coal-mining operations on certain lands in Wyoming,' approved August 1, 1912 (37 Stat. L., p. 1346), shall be subject to disposition only in the form and manner provided in this act, except as to valid claims existent at date of the passage of this act and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws, including discovery.

"SEC. 38. That, until otherwise provided, the Secretary of the Interior shall be authorized to prescribe fees and commissions to be paid registers and receivers of United States land offices on account of business transacted under the provisions of this act."

And the House agree to the same.

N. J. SINNOTT,
ADDISON T. SMITH,
J. A. ELSTON,
EDWARD T. TAYLOR,

Managers on the part of the House.

REED SMOOT,
I. L. LENROOT,
H. L. MYERS,
KEY PITTMAN,

Managers on the part of the Senate.

STATEMENT.

In order that the specific modifications of the House bill, as shown in the foregoing, may be indicated by section and specific amendment, the following explanation is made, by reference to S. 2775, "ordered to be printed with the amendments of the House of Representatives" (star * print), now available in the document room.

Section 1, of the bill as agreed to in conference, is section 1 of the House bill, with amendment as follows:

Page 38, House bill, in lines 24 and 25, and on page 39, lines 1 and 2, strike out the following: "That all right, title, and interest in all helium in the lands or deposits subject to disposition under this act are hereby expressly reserved and shall remain in the Government of the United States," and insert in lieu thereof the following: "That the United States reserves the right to extract helium from all gas produced from lands permitted, leased, or otherwise granted under the provisions of this act, under such rules and regulations as shall be prescribed by the Secretary of the Interior: *Provided further*, That in the extraction of helium from gas produced from such lands, it shall be so extracted as to cause no substantial delay in the delivery of gas produced from the well to the purchaser thereof."

The above lines stricken out and those inserted relate to helium gas, a noninflammable gas used in balloons and dirigibles.

Section 2 is section 2 of the House bill without change except the addition of the word "*further*" after the word "*Provided*," on page 40, line 2.

Section 3 is section 3 of the House bill without change.

Section 4 is section 4 of the House bill without change.

Section 5 is section 5 of the House bill without change.

Section 6 is section 6 of the House bill with the following amendment: Page 42, line 11, strike out "not to exceed." The same page, line 15, strike out "such."

This amendment in no wise changes the meaning of section 6 of the House bill but simplifies the language.

Section 7 is section 7 of the House bill without change.

Section 8 is section 8 of the House bill with the following amendments:

Page 44, line 9, strike out "municipal corporations" and insert in lieu thereof "individuals or associations of individuals."

On the same page, line 10, after the word "use," insert "but not for sale."

On the same page, in line 13, after the word "That," insert "this privilege shall not extend to any corporations: *Provided further*, That in case of municipal corporations."

The above amendments restore the Senate provisions to said section 8 and permit individuals or associations of individuals to secure limited licenses or permits to secure a supply of coal for strictly domestic needs. The House provisions confined such licenses and permits to municipal corporations.

Section 9 is section 9 of the House bill without change.

Section 10 is section 10 of the House bill with the following amendment: At the end of the section, on page 46, line 2, strike out the period, insert a comma, and add the following: "the length of which shall not exceed two and one-half times its width." This restores the Senate provision, which merely gives the construction of the Department of the Interior to the phrase preceding said amendment, "compact form."

Section 11 is section 11 of the House bill with the following amendment: Page 47, line 6, change the word "six" to "twelve," thus authorizing the Secretary of the Interior to permit suspension of operation for 12 months instead of 6, as provided for in the House bill.

Section 12 is section 12 of the House bill without change.

Section 13 is section 13 of the House bill without change.

Section 14 is section 14 of the House bill without change.

Section 15 is section 15 of the House bill without change.

Section 16 is section 16 of the House bill without change.

Section 17 is section 17 of the House bill without change.

Section 18 is section 18 of the House bill with the following amendments: Page 53, line 24, strike out "continuously since" and insert, after the comma following the figures "1910," the words "and continuously since."

This amendment was made for clarity.

Page 55, line 9, after the word "thereon," insert the word "only."

This word was omitted by mistake from the engrossed copy of the House bill.

On page 55, in lines 24 and 25, and page 56, lines 1 and 2, strike out the following:

"No fraudulent claimant shall be entitled to any lease provided for in this section, but the successor in interest of such

claimant without notice of fraud at the time such interest was acquired shall not be chargeable therewith." and insert in lieu thereof the following:

"No claimant for a lease who has been guilty of any fraud or who had knowledge or reasonable grounds to know of any fraud, or who has not acted honestly and in good faith, shall be entitled to any of the benefits of this section."

This amendment restores to the bill the Senate fraud provision which was considered stronger and more drastic than the House provision, which it thus supersedes.

The description of the act, referred to in line 7, on page 56, is amended by adding the title of the act.

Section 18 was further amended as follows:

Page 56, line 13, strike out "on or prior to September 1, 1919."

The purpose and efficacy of the language just stricken out is retained in the following amendment:

Page 56, lines 17, 18, and 19, strike out the following:

"That no claimant acquiring any interest in such lands since September 1, 1919, shall secure a lease thereon under this section:"

and insert in lieu thereof the following:

"That no claimant acquiring any interest in such lands since September 1, 1919, from a claimant on or since said date claiming or holding more than the maximum allowed claimant under this section shall secure a lease thereon or any interest therein, but the inhibition of this proviso shall not apply to an exchange of any interest in such lands made prior to the 1st day of January, 1920, which did not increase or reduce the area or acreage held or claimed in excess of said maximum by either party of the exchange:"

Section 18 is known as the relief section of the bill, and relates to very valuable producing oil lands which are now involved in litigation. The purpose of the House language stricken out was to prevent the claimant or holder of excess area and acreage from disposing of such excess, which excess, under the terms of the House bill, would revert to the United States to be leased by competitive bidding. The above amendment by the insertion of said language retains the purpose of the House bill, while at the same time it does not prevent one holding or claiming not more than the maximum allowed by section 18 from disposing of any part thereof. It also recognizes an exchange of interest in lands made prior to January 1, 1920, provided the exchange does not reduce or increase the area or acreage held in excess of the allowed maximum, thus not permitting a change in the status quo of the excess holder or claimant. Sales of oil lands have been made by claimants holding less than the maximum allowed. It was thought best not to interfere with such sales, nor with exchanges in settlement of controversies which did not result in reducing the area or acreage held in excess of the maximum allowance.

Section 18 was further amended for clarity as follows:

Page 56, line 20, strike out the word "or" and insert in lieu thereof the following "nor shall any interest therein."

Section 18a is the same section of the House bill without change.

Section 19 is section 19 of the House bill, with the following amendments:

On page 58, lines 9 to 13, inclusive, the Senate fraud provision explained above in connection with section 18 was adopted instead of the House fraud provision.

Also the following amendments:

On page 58, line 15, strike out "on or prior to September 1, 1919."

On the same page, line 17, change the colon to a period and strike out the remainder of said section, to wit:

"Provided, That no claimant acquiring any interest in such lands since September 1, 1919, shall secure a permit or lease thereon under this section."

Section 19 relates in the main to locations upon which no discovery has been made. In other words, it relates to "wild-cat" territory. The provisions in the House bill stricken out, would needlessly embarrass and hamper the locator in financing oil development and drilling. For this reason it was thought best to eliminate the restrictions of the House bill.

Section 20 is section 20 of the House bill without change.

Section 21 is section 21 of the House bill without change other than the substitution of the Senate fraud provisions for the House fraud provisions, above explained in connection with the same amendment to section 18.

Section 22 is section 22 of the House bill with the following amendments: On page 61, line 11, after the word "who," insert "prior to withdrawal." This amendment restores the Senate provision requiring substantial improvements to have been made prior to an oil-land withdrawal in Alaska.

This section was further amended as follows: Page 62, line 1, insert after the word "lease," a colon. Lines 2 and 3, on said page 62, strike out the following: "and may in the discretion of the Secretary include noncontiguous tracts."

The House language stricken out permitted the Secretary in the Territory of Alaska to include in a lease noncontiguous tracts.

Section 22 was further amended on page 62, lines 8, 9, 10, 11, and 12 by substituting the Senate fraud provisions for the House fraud provisions, for the reason above set forth in connection with section 18.

Section 23 is section 23 of the House bill without change.

Section 24 is section 24 of the House bill with one amendment, as follows: Page 63, line 4, strike out the word "any" and substitute the word "one." This is merely a verbal amendment.

Section 25 is section 25 of the House bill without change.

Section 26 is section 26 of the House bill without change.

Section 27 is section 27 of the House bill without change.

Section 28 is section 28 of the House bill without change.

Section 29 is section 29 of the House bill without change.

Section 30 is the same as section 30 of the House bill with amendment, as follows: Page 70, line 17, after the word "purchase" insert "provisions." This amendment is a mere verbal one for clarity.

Section 31 is section 31 of the House bill without change.

Section 32 is section 32 of the House bill with the following amendment:

Page 71, line 19, strike out the following: "and thereafter to readjust the change."

The purpose of this amendment is as follows:

In lines 18, 19, and 20, page 72, of the House bill, the Secretary was authorized "to fix and determine and thereafter to readjust and change the boundary lines of any structure, or oil or gas field, for the purposes of this act." It was thought that the inclusion of the language stricken out would authorize the Secretary to readjust and change the boundary lines of an oil field after vested rights had attached, to the injury of such vested rights. It was not thought wise to leave the language of section 32 subject to such construction.

Section 33 is section 33 of the House bill without change.

Section 34 is section 34 of the House bill without change.

Section 35 relates to the division of proceeds from sales, bonuses, royalties, and rentals. It is the same as the House provision, with the following amendments:

Page 72, line 19, strike out the figure "60" and insert in lieu thereof "52½."

Same page, line 24, strike out the figure "30" and insert in lieu thereof "37½."

The effect of the above amendments is to put 52½ per cent of the amounts derived from future proceeds into the reclamation fund and to pay 37½ per cent of such future proceeds to the State within which the leased lands or deposits are located.

Section 36 is section 36 of the House bill without change.

Section 37 is section 37 of the House bill with the following amendment:

Page 74, line 16, strike out the following: "and the lands containing such deposits."

The inclusion of the above language stricken from section 37 would bring the bill in conflict with the statutes permitting a surface entry, and probably repeal the same, and was therefore eliminated.

Section 37 was further amended by more clearly referring to the joint resolution approved August 1, 1912, and was also further amended by striking out the proviso at the end of the section, beginning in line 23, on page 74.

This proviso was stricken out for the reason that it would cause needless expense to the small prospector and locator.

Section 38 was stricken from the House bill.

Section 38 was as follows:

"That the United States shall have the preferential right to obtain, extract, and remove helium from all lands permitted, leased, or otherwise granted under the provisions of this act, and from gas or oil or from gas and oil or other products found within such deposits, or under lands containing the same, under such rules and regulations as shall be prescribed by the Secretary of the Interior."

In lieu of section 38 of the House bill the following amendment was inserted in section 1 of the conference bill:

"Provided, That the United States reserves the right to extract helium from all gas produced from lands permitted, leased, or otherwise granted under the provisions of this act, under such rules and regulations as shall be prescribed by the Secretary of the Interior: *Provided further*, That in the extraction of helium from gas produced from such lands it shall be so

extracted as to cause no substantial delay in the delivery of gas produced from the well to the purchaser thereof."

Section 38 of the conference bill is the same as section 39 of the House bill.

The chief differences between the Senate and the House bills were:

1. As to the maximum charges.
2. The relief provisions in section 18.
3. The division of proceeds under section 35.

The Senate bill limited the maximum charges by the Government for coal to 20 cents per ton; for oil to 25 per cent of the value of the production. The House bill contained no maximum restrictions on said charges by the Government. The conference agreed to the House provisions.

The second chief point of difference between the Senate and the House as to the relief provisions in section 18 was settled in a way so as to preserve the integrity of the House safeguards against the disposal of excess holdings.

The third point of difference between the Senate and the House was the disposal of the proceeds. The Senate bill put 45 per cent of the proceeds into the reclamation fund and paid 45 per cent to the State. The House bill put 70 per cent of the proceeds from past production and 60 per cent of the proceeds from future production into the reclamation fund, and paid 20 per cent from past production and 30 per cent from future production to the State. The compromise reached in conference left intact the provisions of the House bill as to past production, to wit, 70 per cent to the reclamation fund and 20 per cent to the State. As to future production, a compromise was reached by splitting the difference between the House bill—60 per cent to the reclamation fund and 30 per cent to the State—and the Senate bill—45 per cent to the reclamation fund and 45 per cent to the State—thus giving the reclamation fund 52½ per cent and the State 37½ per cent of the proceeds from future production.

N. J. SINNOTT,
ADDISON T. SMITH,
J. A. ELSTON,
EDWARD T. TAYLOR,

Managers on the part of the House.

Mr. SINNOTT. Mr. Speaker, after this bill passed the House, last October, I received a letter from Mr. Gifford Pinchot concerning the House bill. I sent a copy of that letter to Secretary Daniels and received a letter in reply from Secretary Daniels. I have handed those two letters to the Clerk, and I should like to have them read in my time.

The SPEAKER. Without objection, the letters will be read. The Clerk read as follows:

WASHINGTON, D. C., November 8, 1919.

HON. NICHOLAS J. SINNOTT,
Chairman House Public Lands Committee,
House of Representatives, Washington, D. C.

MY DEAR MR. SINNOTT: I have just gone over the mineral-leasing bill as passed by the House. While it contains some provisions with which I am not in accord, in my opinion it is the best leasing measure that has passed either House. On the whole, it follows the conservation principles laid down by Theodore Roosevelt. To you, the members of your committee, and to the House are due the thanks of the friends of conservation. I have strong hope that the conference committee and the Senate will concur in your good work.

Sincerely, yours,

(Signed) GIFFORD PINCHOT.

THE SECRETARY OF THE NAVY,
Washington, November 20, 1919.

MY DEAR MR. SINNOTT: I am in receipt of your esteemed favor inclosing a letter from Hon. Gifford Pinchot with reference to the mineral-leasing bill as it passed the House. I thank you very much for sending it to me. I have insisted all the way through that the naval reserves ought to be protected, and I understand that is what was done in the bill that has passed the House.

Sincerely, yours,

(Signed) JOSEPHUS DANIELS.

HON. N. J. SINNOTT,
House of Representatives, Washington, D. C.

Mr. SINNOTT. Mr. Speaker, I think I can truthfully say that the hopes of Mr. Pinchot and the friends of conservation as expressed in his letter have been realized in the conference report, and that the conferees have concurred in the good work of the House, for in no vital, fundamental feature of the bill expressing the House policy has the conference report changed the House bill.

While I realize that numbers do not necessarily count, yet it may be of interest to the Members of the House to know that of the House amendments to the Senate bill, 11 were modified in a small way; that the House receded on some 16 amendments, 4 or 5 of which merely related to the fraud provision of the bill, restoring the Senate fraud provision, which many Members of the House, myself among them, thought were much stronger than the House provisions.

Sixty House amendments were accepted by the conferees in toto without modification—accepted as they passed the House.

I do not feel that it is necessary to make an extended or elaborate explanation of this oil-leasing bill. This is the fifth time that this bill will have passed the House if it does pass to-day. The matter is very familiar to most of the Members of the House, and unless Members have questions to ask concerning the bill, I expect to reserve the balance of my time.

Mr. GARD. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Oregon yield to the gentleman from Ohio?

Mr. SINNOTT. Yes.

Mr. GARD. Does not the gentleman think it would be well to make a concise, comprehensive statement as to what the bill is? It is a new bill, practically.

Mr. SINNOTT. Well, the bill is practically the same as it passed the House last October. It is also modeled on the bill that passed the House at the last session and the session before and the session before.

In brief, the bill does away with and repeals the present laws providing for the patenting and the absolute disposal by the Government of the mineral resources named in the bill. This bill is strictly a leasing bill. No longer can patents be issued deeding away these mineral resources of the Government, except as to some valid claims now existing upon mineral lands provided for in section 37 of the bill. But apart from that, no longer will oil, oil-shale, phosphate, sodium, or coal lands be deeded away by the Government.

The bill provides for limited leases for coal lands, for oil and oil-shale lands, for phosphate lands, and for sodium lands, reserving to the Government certain royalties and rentals. In the case of coal the royalty is to be at least 5 cents per ton. In the case of oil in what is known as "wildcat" or unknown territory, where oil is discovered by an applicant or a permittee, the permittee pays 5 per cent of the value of the production on his leasehold. Then in known oil territory there is a limited lease for not exceeding 640 acres, for which lease the lessee must pay not less than 12½ per cent of the value of the production, and in addition to that he has to pay a certain bonus royalty, which bonus royalty will be determined by competitive bidding.

The bill gives the Government control over the future operations of these leases. It provides for continuous, economical, and diligent development and operation of the leasehold, with provisions against waste, with provisions guarding the safety and welfare of miners, with provisions against monopoly for selling the products at reasonable prices, and other matters of that kind that are to be inserted in the leases. The violation of any of these provisions will work a forfeiture of the lease.

Mr. CANNON. Mr. Speaker, will the gentleman yield for a question right there?

Mr. SINNOTT. Yes.

Mr. CANNON. I understand a lease can only cover 640 acres. If a man gets his lease and strikes oil or sodium or phosphate, then his minimum is 12½ per cent. Is that correct?

Mr. SINNOTT. As to the oil lease in unknown or what is called wildcat territory the permittee gets a permit to prospect for oil or gas on not to exceed 2,560 acres. On the discovery of oil he gets a lease for 20 years for one-fourth of his permit area. In the case I have stated he would get a lease for 640 acres. For the oil produced from the 640 acres he would pay 5 per cent of the value of the production. Then, in addition to that, he gets a preferential lease on the remainder, the remainder between the 640 acres and the 2,560 acres, but for that he has to pay a royalty of not less than 12½ per cent, or one-eighth, and that rate is to be fixed by competitive bidding or by such other method as the Secretary may provide.

Mr. CANNON. Right at that point, what made me ask the question is this: Suppose, for the sake of illustration, he has found oil or any of the other articles covered, and it costs him \$100,000. Then when its great value is ascertained, is it possible that competitors may come in who have not spent a cent and bid up 20, 50, or 75 per cent as against the man who has made the expenditure and taken the risk?

Mr. SINNOTT. The man you refer to, of course, has the absolute right to one-fourth of the area included in his permit, but what you state is true as to the remainder. Others may come in and bid, and if they bid over him he loses the remainder of the land unless he is willing to take the remainder at the highest bid; he has that privilege.

Mr. CANNON. He can keep the one-fourth absolutely?

Mr. SINNOTT. He can keep the one-fourth absolutely. He has a vested right in a lease to that. The remainder, of course, he can take at the highest bid, or the Secretary is authorized to determine the price on the remainder by regulation.

Mr. CANNON. If he should develop two wells he would be sure of the one-fourth?

Mr. SINNOTT. He would be sure of the one-fourth.

Mr. CANNON. His competitors could not oust him, but if he keeps his lease, as I understand the gentleman, suppose they bid up to 80 per cent, to illustrate. He must then pay 5 per cent on that 80 in addition to the royalty?

Mr. SINNOTT. Does the gentleman mean on the one-fourth?

Mr. CANNON. Yes.

Mr. SINNOTT. No. Five per cent is the maximum that he has to pay on the one-fourth.

Mr. CANNON. He has got the one-fourth until the expiration of the lease?

Mr. SINNOTT. Yes.

Mr. CANNON. And how long does the lease run?

Mr. SINNOTT. The lease runs for 20 years, and at the end of 20 years new terms may be prescribed by the Secretary of the Interior, unless new laws are passed in the meantime in relation thereto.

Mr. CANNON. Has he a preference for a renewal?

Mr. SINNOTT. Yes; he has a preference for a renewal under section 17 of the bill.

Mr. CANNON. But he would have to compete, under the direction of the Secretary of the Interior, with others who might desire to get an original lease, while he only wanted a renewal.

Mr. SINNOTT. He has a preference right at whatever terms are fixed by the Secretary, or at whatever terms may be fixed by law.

Mr. CANNON. I have taken this bill because I do not know much about it, as I have taken most of the legislation that comes before the House; but the gentleman represents the new part of the United States, which is largely undeveloped. His constituents are interested in the development of the country as well as the gentleman.

Mr. SINNOTT. Yes.

Mr. CANNON. Now, is the gentleman satisfied that this bill will not prohibit the development of the country which he and others represent?

Mr. SINNOTT. Yes; the gentleman is satisfied with the bill, and thinks that it will help to develop that section of the country, concerning which we believe that—

Time's noblest offspring is the last—
according to the old lines.

Westward the course of empire takes its way, you know, and time's noblest offspring is the last—that means, of course, the West.

Mr. CANNON. Being a tenderfoot and not knowing much of anything about it, I ought to be willing to follow the gentleman.

Mr. HARRELD. How much of this land has been withdrawn?

Mr. SINNOTT. About 6,000,000 acres of oil lands have been withdrawn, and about 40,000,000 acres of coal land.

Mr. HARRELD. What effect will this bill have on that land? Is that restored to entry?

Mr. SINNOTT. The withdrawn lands will be subject to prospecting permits and also to leases.

Mr. HARRELD. The same as lands that have not been withdrawn?

Mr. SINNOTT. Yes. The same as lands that have not been withdrawn.

Mr. GRIGSBY. With reference to the proviso concerning Alaska in section 22, and the language limiting the number of permits, the bill as reported reads as follows:

Not exceeding five permits or leases in number and not exceeding an aggregate of 1,280 acres in each.

Now, the language that has been omitted is as follows:

And may in the discretion of the Secretary include noncontiguous tracts.

Am I right in my assumption that that was taken out as surplusage in view of the use of the word "aggregate"?

Mr. SINNOTT. The gentleman is referring to lines 2 and 3 on page 62 of the star print of the bill as it passed the House?

Mr. GRIGSBY. I am.

Mr. SINNOTT. Yes; that language was considered to be mere surplusage, and therefore was stricken from the bill. I shall insert in the Record letters from the Departments of Interior and Justice giving approximations on the moneys impounded referred to in section 18, and to be distributed under the provisions of section 35:

DEPARTMENT OF THE INTERIOR,
Washington.

Hon. N. J. SINNOTT,
Chairman Committee on the Public Lands,
House of Representatives.

My DEAR Mr. SINNOTT: In reply to your request for information as to the approximate amounts of money which will be received as back royalties under the general leasing bill, S. 2775, if enacted, I have to advise as follows:

According to the figures of the General Land Office the amount of escrow deposits under the law of August 25, 1914 (38 Stat., 708), in California is something over \$1,152,523.48 and in the State of Wyoming, \$3,172,482.36, making a total of \$4,325,005.84. In addition, there are three tracts of land in Wyoming involved in a three-cornered proceeding, in which the State, a mineral claimant, and the United States are litigating, in which there have been impounded all receipts, amounting to between \$2,000,000 and \$3,000,000. One-eighth of this amount, if the United States is successful, would be approximately \$300,000, which would make the total escrow deposits to June 30, 1919, something over \$4,600,000. In addition, there was considerable production from oil wells in both California and Wyoming prior to the passage of the said act of August 25, 1914, none of which was impounded, but for which the parties must account if they take advantage of the leasing bill. We have absolutely no figures for California, but a rough estimate furnished by the Bureau of Mines relative to Wyoming is that some \$4,000,000 worth of oil was taken out before 1914, one-eighth of which would be \$500,000. We could only guess as to what had been taken out in California prior to 1914, but I should think it would amount to fully as much as in Wyoming, and if this guess is correct, there would be \$500,000 due from the California operators as one-eighth of this production.

Consequently, the total amount from impoundments and from production prior to the act of 1914 would be about \$5,600,000; that is to say, that much would have to be paid over to the United States under the provisions of the bill.

Further, the Department of Justice in its court proceedings has had a number of receivers appointed to take charge of production from wells involved in the suits. These amounts must involve many millions of dollars, but the Land Department has no record thereof, and as I advised you informally yesterday the information as to the amounts held by the Department of Justice through receivers will have to be obtained from Assistant Attorney General Nebeker, Department of Justice.

Very truly, yours,

E. C. FINNEY,
Member Board of Appeals.

DEPARTMENT OF THE INTERIOR,
Washington, January 17, 1920.

Hon. N. J. SINNOTT,
House of Representatives.

My DEAR Mr. SINNOTT: In reply to your request for figures on the impoundment of oil and gas moneys, I find that the General Land Office reports are not up to date owing to the fact that it has not heard from its field officers. However, we have taken the figures actually in hand and then made a careful estimate of receipts between the date of the last reports and December 31, 1919. The figures are as follows:

Wyoming—	
Total escrow to Sept. 30, 1919	\$3,458,045.81
Three months to Dec. 31, 1919 (estimated)	285,000.00
Total to Dec. 31, 1919	3,743,045.81
California—	
Total escrow to June 30, 1919	1,152,523.48
Six months to Dec. 31, 1919 (estimated)	300,000.00
Total to Dec. 31, 1919	1,452,523.48
Total amount of estimated impoundments in both States to Dec. 31, 1919	5,195,569.29

In addition, there is impounded in Wyoming, as stated to you in a previous letter, the proceeds of the oil produced from three 40-acre tracts in dispute between the State, mineral claimants, and the United States. This is an impoundment of all receipts less operating expenses, and amounts to approximately \$2,480,000.

If the relief measure should pass and one-eighth be collected, this would add approximately \$200,000 to the amount above estimated, or a total estimated amount of \$5,495,569.29.

In addition, the Department of Justice has impoundments made through receivers, and also has some judgments obtained in courts which, if they become final, would turn a large amount of money over to the United States. This information, I understand, you are obtaining from the Department of Justice.

Very truly, yours,

E. C. FINNEY,
Member Board of Appeals.

DEPARTMENT OF JUSTICE,
Washington, D. C., January 21, 1920.

Hon. N. J. SINNOTT,
House of Representatives, Washington, D. C.

SIR: In accordance with your request for information as to the amount of moneys impounded in the hands of receivers in the withdrawn oil-land suits, I take pleasure in handing you the following statement:

In suits affecting lands in the naval reserves in California:	
In the Honolulu case (approximately)	\$3,800,000
In other cases	5,500,374
Total in naval reserves	10,300,374
In suits affecting lands in California outside of naval reserves	9,427,795
Total in California	19,728,169

In the Hanley case in Wyoming there is impounded in bank under stipulation approximately \$200,000.

There is also impounded in Wyoming in the Ridgely case, under an arrangement entered into between the Interior Department and the defendants prior to the institution of suit and which has remained in force, over \$2,000,000. The exact amount impounded in this case may be had from the Interior Department.

In addition to the above amounts now impounded in the hands of receivers and otherwise, the defendants must account for large amounts of oil extracted prior to the appointment of receivers. The aggregate amount thus to be accounted for or the amount in any particular case can not now be given, except that it may be stated that in eight of the

California cases in which accountings have been completed and final decrees entered, the aggregate of money judgments entered in favor of the Government for oil taken prior to the appointment of receivers is \$2,977,077.26.

The amount of oil in the hands of receivers January 1 could not be definitely ascertained in time for this report, but it is stated to be a very small quantity.

Respectfully, for the Attorney General,

FRANK K. NEBEKER,
Assistant Attorney General.

Statement showing how the one-eighth of the impounded moneys referred to in the letters from the Department of Justice, Jan. 1, 1920, and from the Department of the Interior, Oct. 16, 1919, and Jan. 17, 1920, is to be distributed.

It is to be remembered that under the provisions of section 18 and section 18-a, one-eighth of the moneys impounded is to be paid to the Government to be distributed in accordance with section 35.

MONEYS IN CALIFORNIA.

All the proceeds accruing to the Government from the Naval Reserves are to be paid into the Treasury.

This sum will amount to one-eighth of \$10,300,374, or— \$1,287,546.75

From letter of Department of Justice, January 21, one-eighth of \$9,427,795— 1,178,474.00

From letter of Department of Interior, January 17, one-eighth impounded— 1,452,523.00

Total one-eighth impounded in California— 2,630,997.00

20 per cent of this amount to be paid to the State of California— 526,199.00

MONEYS IN WYOMING.

From letter of Department of Interior, January 17— \$3,458,045.00

From letter of Department of Interior, January 17— 285,000.00

From letter of Department of Interior, January 17— 300,000.00

Estimated in accounting, letter Department of Interior, October 16— 500,000.00

From letter, Department of Justice, January 21, one-eighth of \$200,000— 25,000.00

In addition not set forth in above letters— 500,000.00

Total one-eighth impounded in Wyoming— 5,068,045.00

20 per cent of this amount to be paid to the State of Wyoming— 1,013,609.00

Total one-eighth funds impounded California— 2,630,997.00

Total one-eighth funds impounded Wyoming— 5,068,045.00

Total in both States— 7,699,042.00

70 per cent paid to reclamation fund— 5,389,329.00

In addition to the above figures it is thought that one-eighth of the proceeds from the accounting to be hereafter had will add several million dollars to the funds to be divided, under the provisions of section 35 of the bill.

FUTURE ESTIMATES.

DEPARTMENT OF THE INTERIOR,
Washington, January 19, 1920.

Hon. N. J. SINNOTT,
House of Representatives.

MY DEAR MR. SINNOTT: In reply to your telephonic request for an estimate of receipts under the general leasing bill, if enacted, I have to advise you that any estimate at this time must be understood to be a mere guess. Roughly, however, I would estimate that the receipts will be more than \$10,000,000 per year. We have only one coal lease at the present time, that of the Owl Creek in Wyoming, an area of less than the maximum provided in the leasing bill. The royalty is 8 cents per ton, and the Government's royalties last year were over \$24,000. Assuming that we would only make 50 coal leases, the income at that rate would be \$1,200,000 per year. Estimating the returns under the phosphate and sodium features of the bill at \$300,000, the receipts from coal, phosphate, and sodium would be \$1,500,000.

Considering the production and return from the known oil areas of Government land in California and Wyoming, of the fact that many new wells will be brought in as soon as adjustment is made under the leasing act, and that there is bound to be some discoveries on the vast area of Government land now withdrawn, I think a conservative estimate of the oil and gas returns would be \$8,500,000 per annum.

Very truly, yours,

E. C. FINNEY,
Member Board of Appeals.

Mr. Speaker, if estimates in this letter of future receipts from this bill prove true, and I hope they do, the reclamation fund will be enriched to the extent of \$5,250,000 each year.

Mr. Speaker, I reserve the remainder of my time.

THE SPEAKER. Does the gentleman yield to anybody?

MR. SINNOTT. I yield to the gentleman from Colorado [Mr. TAYLOR] five minutes.

MR. TAYLOR of Colorado. Mr. Speaker and gentlemen of the House, I assume that there is no necessity of referring at this time to any of the parts of this bill that have been agreed upon by both the Senate and the House, and were not in dispute between the two bodies, and were therefore not referred to the conference committee. In other words, the only matters that can be before this House at the present time are matters which the House put in the Senate bill by way of amendment and then receded from or modified. As the gentleman from Oregon [Mr. SINNOTT] has well said, there is very little for us to now consider. Of the 85 or 90 amendments that the House put in the bill the Senate yielded and agreed absolutely to some 60 of them, and they include most of the main ones, too. We somewhat modified something like a dozen of them, and as to 16,

I believe it was, the House receded. Those were mostly matters of comparative unimportance or where we, as your conferees, ourselves thought that the Senate provision was clearly better than ours. The bill which we, as your conferees, now bring before you as a conference agreement is, practically speaking and on principle, to all intents and purposes the same as it was when we passed it in this House. The Senate conferees have substantially accepted our bill, so I can see no logical reason why any Member should oppose the adoption of this conference report. This is a tremendously important piece of legislation. Congress has been working on this subject for nearly 10 years. After long and patient hearings and investigations, the Public Lands Committee has reported out this bill and the House has passed it time and again, only to have it killed in the Senate or in conference, and I am delighted to see it so near now to becoming a law; and when the President signs it, as I hope and believe he will, the whole country in general, and the West in particular, will be wonderfully benefited by it. Under this bill there will be many billions of dollars worth of development throughout the West.

Now, if anyone wants to go over the bill in detail and take the House provisions that have been modified or rejected by the conference and that are before the House at this time, of course I or any other member of the conference committee will be glad to explain any of them. I feel that the Public Lands Committees of both the Senate and the House, and in both this Congress and the last Congress, and especially the chairmen of both of these committees, are entitled to the congratulations and thanks of both Congress and the country for their many years of hard, tedious, and patient work on this measure. They have rendered a great service to the West and to the entire country.

In addition to what the chairman of the committee has said, when he read the letter from Secretary Daniels and one from Mr. Gifford Pinchot, I will say that the Secretary of the Interior, Mr. Lane, has also written the following letter to the chairman of the committee, the gentleman from Oregon [Mr. SINNOTT], as follows:

THE SECRETARY OF THE INTERIOR,
Washington, September 8, 1919.

Hon. N. J. SINNOTT,
Chairman Committee on the Public Lands,
House of Representatives.

DEAR MR. SINNOTT: Referring to yours of September 6, submitting for my consideration Senate bill 2775, generally known as the leasing bill, I would say that, in my opinion, it is on the whole the best leasing bill that has passed either House of Congress.

Cordially, yours,

F. K. LANE.

So we have the executive departments satisfied with this measure. Both the Senate and the House are satisfied with the measure. The conservation sentiment throughout the country is satisfied with this measure, and on behalf of the West, in further answer to my good friend from Illinois [Mr. CANNON], who asks if this bill will prohibit the development of the West, I will say no. It will greatly encourage and stabilize the development of the West. While it is not quite as liberal as I think it might be in justice to the West, yet it is a fair and workable bill, and the West wants it and will give it a fair trial, and if some of its provisions turn out in practice to be too drastic or harsh we will ask Congress to modify them by amendment at some future session. I think this bill is the most ultraconservative bill that has ever been passed by Congress. It is overwhelmingly conservative, and it changes the whole principle of the public-land laws of the United States by refusing hereafter to allow the title to lands to go into private ownership, and adopts for the future a Government leasing policy for the coal and the oil and the gas and the phosphate and these other substances. While most of the people of the West believe it would be better if this land went into private ownership under proper restrictions and went onto the tax roll and became subject to taxation for local development and the support of any States and counties and schools and roads, that has all now gone by and it is not before us at this time, and it is now agreed upon that we will adopt and try out this leasing policy.

In this connection I want to say one thing. While this is a leasing bill, and the Federal leasing policy, whether it is wise or otherwise, is going to hereafter be adopted; and it may be demonstrated that it is best and become the permanent policy of our Government in these matters. Yet the Senate and the House have both always retained in every bill of this kind the provisions of section 37 and expressly recognized and legalized and attempted to affirmatively protect the property and legal rights under the laws as they are now and have for over 40 years been on our statute books of the honest prospectors, the bona fide locators in good faith, and holders of rightful claims, claims that are valid and existing under existing laws at the date of the passage of this act. Those claimants, even though they may not have perfected a legal discovery under the

laws, are entitled to go ahead and maintain and perfect their claims under the present existing laws and obtain a patent to their lands just as though this bill had never been passed, and I hope no court or Federal department will ever attempt to deny to these people the rights which Congress looks upon as vested and is attempting in section 37 to guarantee to them. Congress has no right to pass an ex post facto law depriving citizens of their vested legal property rights, and no court or executive official has any right to misconstrue the law to give it that effect or to flagrantly violate the plain intention of Congress in this matter.

Mr. CANNON. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes; certainly.

Mr. CANNON. What proportion of the money that is received by the Government goes to the Government and what, if any, goes to the States?

Mr. TAYLOR of Colorado. Ten per cent of all of the royalties derived from coal, oil, gas, phosphates, and so forth, goes to Uncle Sam direct. That is for the expense of administration. Of all the oil royalties that are now held up by receiverships and impounded in the various courts in litigation, amounting to several million dollars and held to await the determination by Congress or the courts as to what should become of it, 70 per cent goes into the reclamation fund for the purpose of aiding and encouraging irrigation projects and development throughout the West, and 20 per cent of that money goes to the States in which the oil was produced. California and Wyoming will each get a large sum, and the reclamation fund will get possibly \$6,000,000. That is for the past production up to the passage of this bill. Hereafter the division is different. From this time on 37½ per cent of all the royalties derived by the Government that come from all the oil, and coal, and gas goes to the State in which they are produced and 52½ per cent of all such proceeds goes direct into the irrigation and reclamation fund, and the remaining 10 per cent goes to the Government for administration.

The SPEAKER. The time of the gentleman from Colorado has expired.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask the gentleman to yield me a few minutes more.

Mr. SINNOTT. Mr. Speaker, I yield three minutes more to the gentleman from Colorado.

Mr. CANNON. That means that 87½ per cent in the future royalties goes for reclamation and to the States.

Mr. TAYLOR of Colorado. Ninety per cent—52½ to the reclamation fund and 37½ to the States where the money is collected.

Mr. CANNON. And 10 per cent to the man who makes the development?

Mr. TAYLOR of Colorado. No; the man who makes the development gets whatever the Secretary of the Interior lets him have. He can not get more than seven-eighths of his production, and he may not get any. I am talking now about the manner of the division of the amounts of money that are collected by the Government from the men and companies that make the development.

The amount the man who makes the development gets depends entirely upon the Secretary of the Interior. He has got to pay to the Government at least one-eighth, 12½ per cent, royalty on everything, whether he makes anything or not, and the Secretary of the Interior can make him pay any per cent from that on up to 100 per cent if he wants to. There is a minimum but no maximum limitation on the Secretary of the Interior in his determination of what royalty anybody must pay on his production of oil or coal, gas, and so forth.

Mr. CANNON. What does the gentleman mean by royalties? With my limited knowledge, I gather that practically the whole of the royalties that occur in the respective States and in the arid regions goes to the States.

Mr. TAYLOR of Colorado. Oh, no; I wish they did. But they do not. As I said before, 37½ per cent goes direct to the States hereafter and the rest goes, 52½ per cent, into the reclamation fund and 10 per cent into the Federal Treasury. That reclamation fund may be expended in any State. It may be expended in States that have no coal or oil and that do not produce a dollar. It may be expended, and undoubtedly some of it will be spent, in Texas, and Texas has no public lands and will contribute nothing to this fund, or it may go into States that do produce oil and coal and gas and do contribute very largely to this fund. All money that goes into the reclamation fund, no matter where it comes from, is expended for irrigation development in the arid States of the West where it will produce the best results and reclaim barren land and make homes for the people and develop and build up that country, and the money that goes to the States is to be expended on roads and schools.

Mr. CANNON. I am inclined to vote for the conference report, but I shall be gratified if the arid regions and the mountain regions where irrigation is being developed do not finally have to come to the Treasury of the United States for assistance to take care of their irrigation.

The SPEAKER. The time of the gentleman from Colorado has again expired.

Mr. SINNOTT. Mr. Speaker, I yield one minute more to the gentleman in order to suggest that all of the proceeds coming from the naval reserves go into the Treasury.

Mr. TAYLOR of Colorado. Yes; those funds may be so applied, and that is a very large sum, several million dollars.

Mr. Speaker, this law will apply to some 750,000,000 acres of public land in the United States and Alaska. It is a great constructive piece of legislation. It means homes and occupations for millions of people and vast benefits to the entire Nation, and I am gratified and proud to have taken an humble part in the long struggle to bring about the enactment of this bill. [Applause.]

Mr. SINNOTT. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Mr. Speaker, I received the following telegram this morning, which I want to read to the House. To me it is a matter of great importance, and I believe the House should take some action in respect to the matter it refers to. It relates to the shipment of freight in the Southern States. The telegram is as follows:

PHILADELPHIA, Pa., February 9, 1920.

CHAIRMAN WAYS AND MEANS COMMITTEE,
House of Representatives, Washington, D. C.:

The National Federation of Construction Industries, by action of its executive committee and in consultation with its constituent national associations, vigorously protests instructions issued by the United States Railroad Administration covering the Mississippi Valley region that from February 8 to 18 no box cars shall be loaded with other than news-print paper, wood pulp, sugar, grain, and less than car lot merchandise. This shuts off box cars for building materials and is disastrous to construction industry, will close down hundreds of manufacturing plants, tie up construction work now in progress, and throw hundreds of thousands of men out of employment. Preventing shipment of construction materials in box cars will largely reduce operations and shipments of producers of gravel, stone, and other construction materials handled in open cars. The disastrous effect of this order will probably not continue for 10 days only but may result in congestion and shortage of car supply for an indefinite period. This federation represents combined construction industry of United States, which has several hundred national associations of producers, \$3,000,000,000 permanent wealth, annually supplies more than one-quarter of railroad tonnage, and employs more labor than any other industry.

ERNEST T. TRIGA,

President National Federation of Construction Industry.

That order has gone into effect and prohibits the shipment of meat in carload lots, the shipment of all kinds of textiles and clothing, provisions of every description, building material of all kinds, and all of those things I mention can only be shipped in box cars for the protection of the goods from the weather. The Railroad Administration has seen fit to issue this order prohibiting the shipment of all goods in box cars for the next 10 days, except as stated—print paper, wood pulp, sugar, and grain. Thousands of men will be thrown out of employment if the order continues, the telegram states, and it expresses the fear that the order will not extend merely over the 10 days but for a much longer period of time.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. GARNER. Has the gentleman from Michigan interviewed the Railroad Administration to ascertain the reasons they give for issuing this order?

Mr. FORDNEY. No; I have not called upon them; but let me say to the gentleman I have in my office communications from every part of the country, which letters and telegrams have come in during the last 10 days, especially from the Northwest—Oregon, Idaho, Washington—and from the coal fields of Indiana and Illinois and Ohio, complaining of a shortage of cars. Those same complaints have also come from the South. The lumbermen of the South say they obtain 50 per cent less than their necessary supply of cars for the shipment of lumber and building material, which, of course, tends to increase the cost of production, because there is a shortage in the supply of building material in all the lumber yards of this country and in all of the cities of the country.

Mr. GARNER. The gentleman is just now giving probably a very good reason why the Railroad Administration issued this order. There is apparently a shortage of cars everywhere from what the gentleman says, and there may be pressing need that these particular things to which he refers should have preference over other articles in interstate commerce.

Mr. FORDNEY. That may be true; but if the gentleman will read the testimony just given before an investigating committee in the Senate he will find that at Asheville, N. C., there

stood for 20 days on the tracks there 7,823 cars, unloaded by the Government, and the Government paid \$81,000 of demurrage on empty cars. The cars are now being held on various sidetracks all over this country, to the detriment of business of the country, because of lack of efficiency in the administration of the railroads under Government control.

Mr. SINNOTT. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, there are approximately 350,000,000 acres of public lands remaining in continental United States and about 400,000,000 in Alaska. Of these lands, it is estimated that about 55,000,000 to 60,000,000 acres in continental United States contain coal of some sort. Seven million acres of those lands have been withdrawn as being valuable for oil or gas. The probability is that a much larger acreage than that of the public domain will be found valuable for oil or gas. Under the present law these coal lands may be sold at a price fixed by the department, not less than \$10 to \$20 an acre, depending upon their distance from the railroad. Oil lands may be taken and title acquired under the placer acts in any area that locators may desire to take them. Under this bill we reverse our policy of passing title to lands in fee, and reserve to the Government title to all the lands of the remaining public domain containing coal, gas, phosphate, and sodium. We provide for the leasing of those lands and like deposits which have been reserved in areas that have been disposed of under limited title under certain conditions set forth in the bill.

We have been endeavoring for 10 years to secure legislation of this character, but this year for the first time the House has had before it a bill that is strictly a leasing measure. It therefore fulfills the desires and the expectations of those who, 10 or 12 years ago, began the agitation for what was known as the conservation of the mineral resources of the public lands. The proceeds of the rents and royalties obtained from the lands are to be divided between the States in which the minerals are produced to an extent intended to reimburse them for the loss of taxing values; the Government, with a view of covering the cost of administration; and the national reclamation fund. From the best information possible to obtain it seems that the reclamation fund will receive immediately in the neighborhood of \$5,000,000 from rents and royalties already accrued, and it is believed that from this source in the future the reclamation fund will be sufficiently large to carry on a systematic and reasonably speedy development of the irrigation possibilities of the 17 Western States which are the beneficiaries under the reclamation law.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. In just a moment. Bills proposing in part such a system as this have passed the House four times. Each time the bill has been a little better, and I think this bill is by far the best of all the bills that have been before the House. This is largely because of the fact that it is strictly a leasing measure, whereas the other bills that have been before the House provided partly for leasing and partly for the passage of the title in fee. I yield to the gentleman from Texas.

Mr. GARNER. The gentleman will recall, I am sure, the criticism that has been made of Congress concerning its neglect in passing legislation of this character. But I believe when this bill becomes a law it will show that the postponement was justified rather than to take one of the bills which heretofore passed one or the other branch of the Congress.

Mr. MONDELL. I think that is true; at any rate the bill is much better than the measures which have heretofore been before the Congress, and, curiously enough, the bill is not only an improvement in its effect on the public interest but in some respects it is much fairer to the men already on the ground and having claims of one sort or another, although, in my opinion, the measure does rather scant justice to some of those people. No one need feel worried in supporting this bill for fear it does too much for the men that had gone on the ground under the land laws and endeavored to develop these minerals. It does them rather scant justice, but it is the best that can be secured in that respect and it does safeguard the public interest.

I congratulate the Congress that it seems, after these years of effort, we are going to have a fairly reasonable and well-constructed leasing law and one that does thoroughly protect the public interest. There are still in the bill provisions which will entail unnecessary expense, especially in the coal sections, and provisions which will not, in my opinion, work well; but take it all in all the bill is a great advance along the lines of conservation. The passage of the bill is an important step in our program of progressive constructive legislation.

Mr. SINNOTT. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. ELSTON].

Mr. ELSTON. Mr. Speaker, I think that there has been sufficient debate on this bill and sufficient explanation of it, and I ask for this time only to make some observations not having to do with further clearing the text of the bill, as I believe that is unnecessary. I desire to make brief reference to the work of the chairman of this committee, not only in the preparation of the bill as it passed the House, but in the conduct of the conference itself. This bill has been through the House four times, and for once, I believe, the House has got substantially all that it claimed in the way of advanced and enlightened legislation. In previous sessions the Senate has made some modification of the theory of the bill as it passed the House. I believe that chiefly through the aid of Chairman SINNOTT we now have a bill that represents fairly the attitude of the House as it was expressed in the House when the bill was passed. In no essential respect has the bill been modified, and this satisfactory result is largely due to Chairman SINNOTT. The congratulations of the House are due the gentleman from Oregon [Mr. SINNOTT] for his splendid work. [Applause.]

By unanimous consent, Mr. SINNOTT, Mr. MONDELL, and Mr. TAYLOR of Colorado were granted leave to extend their remarks in the RECORD.

Mr. SINNOTT. Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BAER. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from North Dakota makes the point of no quorum. Evidently no quorum is present. The Doorkeeper will close the doors, and the Sergeant at Arms will notify the absentees. Those in favor of the adoption of the conference report will, as their names are called, answer "yea" and those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 287, nays 13, answered "present" 5, not voting 123, as follows:

YEAS—287.

Ackerman	Dominick	Hull, Tenn.	Michener
Almon	Doughton	Humphreys	Miller
Anderson	Drane	Husted	Minahan, N. J.
Andrews, Nebr.	Dupré	Hutchinson	Monahan, Wis.
Anthony	Eagan	Igoe	MondeLL
Ashbrook	Echols	Ireland	Montague
Babka	Elliott	Jacoway	Moon
Bacharach	Ellsworth	James	Mooney
Barbour	Elston	Jeffers	Moore, Ohio
Barkley	Emerson	Johnson, Ky.	Moore, Va.
Bee	Esch	Johnson, Miss.	Moore, Ind.
Begg	Evans, Mont.	Johnson, Wash.	Morgan
Benham	Evans, Nebr.	Johnson, N. Y.	Morin
Benson	Fields	Jones, Pa.	Mott
Black	Fisher	Jones, Tex.	Mudd
Bland, Mo.	Focht	Kahn	Murphy
Bland, Va.	Fordney	Kearns	Nelson, Mo.
Blanton	Foster	Kelly, Pa.	Nelson, Wis.
Box	Frear	Kendall	Nolan
Brand	Freeman	Kiess	Ogden
Briggs	French	Kincheloe	Oldfield
Brinson	Fuller, Ill.	King	Olney
Brooks, Ill.	Gandy	Kinkaid	Osborne
Brooks, Pa.	Ganly	Kitchin	Overstreet
Browne	Gard	Kiecicka	Padgett
Browning	Gariand	Kraus	Paige
Burroughs	Garner	Langley	Park
Butler	Glynn	Lanham	Parrish
Byrnes, S. C.	Godwin, N. C.	Lankford	Pell
Byrnes, Tenn.	Good	Layton	Phelan
Caldwell	Goodwin, Ark.	Lazaro	Porter
Campbell, Pa.	Goodykoontz	Lee, Calif.	Pou
Candler	Graham, Ill.	Lee, Ga.	Purnell
Cannon	Green, Iowa	Leibach	Quin
Carter	Greene, Mass.	Leshner	Radcliffe
Chindblom	Greene, Vt.	Linthicum	Rainey, J. W.
Christopherson	Griest	Loneran	Raker
Classon	Hadley	Longworth	Ramsey
Cleary	Hardy, Colo.	Luce	Ramseyer
Coady	Hardy, Tex.	Lufkin	Randall, Calif.
Cole	Harrell	Luhning	Randall, Wis.
Collier	Hastings	McAndrews	Rayburn
Cooper	Haugen	McClintic	Reber
Crago	Hawley	McDuffie	Reed, W. Va.
Crisp	Hayden	McKenzie	Rhodes
Crowther	Hernandez	McKeown	Ricketts
Currie, Mich.	Hersey	McKinley	Riddick
Curry, Calif.	Hersman	McLaughlin, Mich.	Robison, Ky.
Dale	Hickey	McPherson	Rodenberg
Darrow	Hicks	Madden	Rogers
Davey	Hill	Magee	Romjue
Davis, Minn.	Hoch	Major	Rose
Davis, Tenn.	Hoey	Mann, Ill.	Rouse
Denison	Holland	Mansfield	Rowe
Dent	Houghton	Mapes	Ruby
Dewalt	Hudspeth	Martin	Rucker
Dickinson, Mo.	Hulings	Mays	Sabath
Dickinson, Iowa	Hull, Iowa	Mead	Sanders, Ind.

Sanders, La.	Stedman	Tilson	Welty
Sanders, N. Y.	Steele	Tincher	Wheeler
Sanders, Va.	Steenerson	Tinkham	White, Kans.
Schall	Stiness	Upshaw	Williams
Sherwood	Stoll	Valle	Wilson, Ill.
Shreve	Strong, Kans.	Vare	Wilson, La.
Sims	Strong, Pa.	Venable	Wingo
Sinnott	Summers, Wash.	Vestal	Winslow
Small	Summers, Tex.	Vinson	Wood, Ind.
Smith, Idaho	Sweet	Volstead	Woods, Va.
Smith, Ill.	Taylor, Ark.	Walsh	Wright
Smith, Mich.	Taylor, Colo.	Ward	Yates
Smithwick	Temple	Weaver	Young, Tex.
Snell	Tillman	Welling	

NAYS—13.

Baer	Keller	Nichols, Mich.	Steagall
Buchanan	Lampert	Oliver	
Carrs	Little	Robinson, N. C.	
Connally	McFadden	Scott	

ANSWERED "PRESENT"—5.

Bell	Dowell	Evans, Nev.	Griffin
Boies			

NOT VOTING—123.

Andrews, Md.	Eagle	McCulloch	Sinclair
Aswell	Edmonds	McGlennon	Sisson
Ayres	Fairfield	McKinley	Slemp
Bankhead	Ferris	McLane	Smith, N. Y.
Blackmon	Fess	McLaughlin, Nebr.	Snyder
Bland, Ind.	Flood	MacCrate	Stephens, Miss.
Booher	Fuller, Mass.	MacGregor	Stephens, Ohio
Bowers	Gallagher	Maher	Stevenson
Britten	Gallivan	Mann, S. C.	Sullivan
Brumbaugh	Garrett	Mason	Swope
Burdick	Goldfogle	Merritt	Tague
Burke	Goodall	Neely	Taylor, Tenn.
Campbell, Kans.	Gould	Newton, Minn.	Thomas
Cantrill	Graham, Pa.	Newton, Mo.	Thompson
Caraway	Hamill	Nicholls, S. C.	Timberlake
Carew	Hamilton	O'Connell	Towner
Casey	Harrison	O'Connor	Treadway
Clark, Fla.	Hays	Parker	Voigt
Clark, Mo.	Hefflin	Peters	Walters
Copley	Howard	Platt	Wason
Costello	Huddleston	Rainey, Ala.	Watkins
Cramton	Johnson, S. Dak.	Rainey, H. T.	Watson
Cullen	Juul	Reavis	Webster
Dallinger	Kelley, Mich.	Reed, N. Y.	Whaley
Dempsey	Kennedy, Iowa	Riordan	White, Me.
Donovan	Kennedy, R. I.	Rowan	Wilson, Pa.
Dooling	Kettner	Sanford	Wise
Doremus	Knutson	Scully	Woodyard
Dunbar	Kreider	Sears	Young, N. Dak.
Dunn	Larsen	Sells	Zihlman
Dyer	McArthur	Siegel	

So the conference report was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. KNUTSON with Mr. BELL.
 Mr. NEWTON of Missouri with Mr. CLARK of Missouri.
 Mr. TOWNER with Mr. GARRETT.
 Mr. REAVIS with Mr. HOWARD.
 Mr. BOWERS with Mr. NEELY.
 Mr. JOHNSON of South Dakota with Mr. FLOOD.
 Mr. MERRITT with Mr. CASEY.
 Mr. WASON with Mr. ASWELL.
 Mr. ZIHLMAN with Mr. HEFLIN.
 Mr. COSTELLO with Mr. WISE.
 Mr. TAYLOR of Tennessee with Mr. BRUMBAUGH.
 Mr. ANDREWS of Maryland with Mr. WILSON of Pennsylvania.
 Mr. THOMPSON with Mr. BANKHEAD.
 Mr. PARKER with Mr. EAGLE.
 Mr. KELLEY of Michigan with Mr. SCULLY.
 Mr. SIEGEL with Mr. GOLDFOGLE.
 Mr. TIMBERLAKE with Mr. SULLIVAN.
 Mr. MACGREGOR with Mr. SMITH of New York.
 Mr. KENNEDY of Iowa with Mr. THOMAS.
 Mr. TREADWAY with Mr. BLACKMON.
 Mr. COPLEY with Mr. HENRY T. RAINEY.
 Mr. GOODALL with Mr. STEPHENS of Mississippi.
 Mr. WALTERS with Mr. CARAWAY.
 Mr. KREIDER with Mr. WATKINS.
 Mr. WOODYARD with Mr. AYRES.
 Mr. DALLINGER with Mr. O'CONNELL.
 Mr. SLEMP with Mr. CLARK of Florida.
 Mr. YOUNG of North Dakota with Mr. GALLIVAN.
 Mr. KENNEDY of Iowa, with Mr. RIORDAN.
 Mr. WATSON with Mr. HARRISON.
 Mr. NEWTON of Minnesota with Mr. DOOLING.
 Mr. WHITE of Maine with Mr. CAREW.
 Mr. MCKINLEY with Mr. SISSON.
 Mr. SNYDER with Mr. CULLEN.
 Mr. STEPHENS of Ohio with Mr. GALLAGHER.
 Mr. PETERS with Mr. RAINEY of Alabama.
 Mr. DOWELL with Mr. MANN of South Carolina.
 Mr. REED of New York with Mr. BOOHER.
 Mr. FESS with Mr. FERRIS.
 Mr. BURKE with Mr. ROWAN.

Mr. SANFORD with Mr. McLANE.
 Mr. DEMPSEY with Mr. STEVENSON.
 Mr. CRAMTON with Mr. WHALEY.
 Mr. SELLS with Mr. CANTRILL.
 Mr. CAMPBELL of Kansas with Mr. DOREMUS.
 Mr. DUNN with Mr. O'CONNOR.
 Mr. BRITTEN with Mr. MCGLENNON.
 Mr. EDMUNDS with Mr. NICHOLLS of South Carolina.
 Mr. BLAND of Indiana with Mr. HUDDLESTON.
 Mr. FAIRFIELD with Mr. HAMILL.
 Mr. GOULD with Mr. DONOVAN.
 Mr. JUUL with Mr. TAGUE.
 Mr. GRAHAM of Pennsylvania with Mr. MAHER.
 Mr. HAMILTON with Mr. KETTNER.
 Mr. BOIES with Mr. SEARS.
 Mr. BURDICK with Mr. LARSEN.

Mr. EVANS of Nebraska. Mr. Speaker, I voted "aye." I wish to withdraw that vote and vote "present."

The SPEAKER. The Clerk will call the gentleman's name. The Clerk called the name of Mr. EVANS of Nevada, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The conference report is agreed to.

On motion of Mr. SINNOTT, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

WRANGELL, ALASKA.

Mr. GRIGSBY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 10746, with a Senate amendment, and agree to the same.

The SPEAKER. That does not require unanimous consent. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 10746) to authorize the incorporated town of Wrangell, Alaska, to issue bonds for the construction, enlargement, and equipment of schools, the acquisition and construction of a water-supply system, the construction of a sewer system, the construction of a city dock and floating dock, and to levy and collect a special tax therefor.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

Mr. GRIGSBY. The amendment merely reduces the rate of interest on the bonds from 7 to 6 per cent.

Mr. GARD. It does not change the amount of the bond issue, but the rate of interest on the bonds is changed from 7 to 6?

Mr. GRIGSBY. Yes.

Mr. GARD. Is that satisfactory to the community up there?

Mr. GRIGSBY. Yes, sir.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

COTTON YARN.

Mr. TILSON. Mr. Speaker, I ask unanimous consent to discharge the Committee on Interstate and Foreign Commerce from the further consideration of House resolution 451, and ask its immediate consideration.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to discharge the Committee on Interstate and Foreign Commerce from the further consideration of the resolution which the Clerk will report, and for the immediate consideration of the same.

The Clerk read as follows:

House resolution 451.

Whereas the prices of combed cotton yarns have increased several hundred per cent during the years 1914 to 1919, inclusive, more than 100 per cent of which was during the last six months of the year 1919; and

Whereas this increase has been greatly in excess of the increase of the cost of the raw cotton and the labor entering into the manufacture of such yarns, and can not therefore be attributed to such increases: Therefore be it

Resolved, That the Federal Trade Commission is hereby requested to inquire into the increase in the price of combed cotton yarns during the years 1914 to 1919, inclusive, and especially during the last six months of the year 1919; to ascertain the cause or necessity for and the reasonableness of such increase; to ascertain the difference between the increase in the price of the yarn on the one hand and the increase in the cost of raw cotton and the labor entering into the cost of the manufacture of such yarn; and to report to the House at the earliest practicable date the result of the investigation, together with such recommendations as the commission may deem advisable and proper.

The SPEAKER. Is there objection?

Mr. SABATH. Reserving the right to object, Mr. Speaker, I desire to ask the gentleman whether he would be willing to include cotton fabrics; not only yarns but things which are manufactured out of yarns, namely, cotton cloth, and muslin, and

ginghams, and things of that kind that have increased in value from 300 to 500 per cent?

Mr. TILSON. I would have no objection unless the effect would be to make the investigation so wide that before any part of it could be made its usefulness would be past.

Mr. SABATH. I am informed that there is an agreement on the part of the manufacturers of some of these articles whereby they deliberately close down their factories and shops for the purpose of retarding production, thereby being able to greatly increase the price of such muslins and cotton cloths as they manufacture. In view of that fact I believe that the investigation should go further than simply the manufacture of yarns. It should include the manufacture of cloths and muslins and other cotton fabrics.

Mr. TILSON. I do not believe that the gentleman from Illinois is getting at the trouble. The yarns that I speak of, if I understand correctly, do not enter into the manufacture of muslins, although they do enter into the manufacture of other fabrics. From such investigation as I have been able to make of it, I think the greatest increases have been in combed cotton yarn, increases such as I have been unable to account for. The Federal Trade Commission is willing to make the investigation. All that is desired is a request on the part of Congress or either House of Congress that the commission do it.

Mr. SABATH. I am very anxious, perhaps more anxious than the gentleman is himself, to have such an investigation started, and I feel satisfied that when they do start—

Mr. KITCHIN. I suggest to the gentleman from Connecticut that he ask unanimous consent to put in cotton cloths.

Mr. TILSON. Mr. Speaker, I have no objection to widening the sphere of this investigation to a certain extent, and ask unanimous consent to modify my resolution by inserting cotton cloths.

Mr. SABATH. Cotton cloths and muslins and gingham.

Mr. KITCHIN. That is all right.

Mr. TILSON. It will probably be necessary to investigate to a certain extent these matters, anyway, because the manufacturers of these products made from cotton yarns would probably be as much interested as anyone else.

The SPEAKER. If the gentleman wishes to modify his resolution so broadly, the Chair thinks it would be better to bring it in after it is completed.

Mr. TILSON. Very well.

LOUISIANA SUGAR.

Mr. TINKHAM. Mr. Speaker, I ask unanimous consent to have printed in the RECORD the interrogatories passed by the House of Representatives on December 18, 1919, and sent to the Attorney General, in relation to the fixing of the price of Louisiana sugar, and his answers, filed in the House on February 6 last.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to have printed in the RECORD the queries propounded to the Attorney General relative to sugar and his answer thereto. Is there objection?

Mr. GARD. Reserving the right to object, Mr. Speaker, this is the matter that the gentleman showed me. The answers of the Attorney General are now included in a House document, are they not?

Mr. TINKHAM. They are printed in a House document, but they have not yet been printed in the RECORD.

Mr. GARD. Why should they now be printed in the RECORD? What is the reason?

Mr. TINKHAM. The reason is this: There is going to be action taken in relation to these interrogatories and a discussion of them, and I believe that the House of Representatives should have them printed in order that they may be before it in comprehensive form.

Mr. GARD. Has there been any report from the Federal Trade Commission on the investigation of the sugar question which some time ago was authorized?

Mr. TINKHAM. There has been no report by the Federal Trade Commission upon that order of investigation.

Mr. GARD. When was the investigation ordered?

Mr. TINKHAM. It was ordered the 1st day of last October.

Mr. GARD. It seems to be following the usual course of investigations, which are not made until the use of the investigation has ceased.

Mr. TINKHAM. I am sorry to say that the observation of the honorable Representative from Ohio seems to be true.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, the gentleman states that he wishes to place these two documents in the RECORD so that there will be action taken hereafter. I want to ask the gentleman from Massachusetts whether that action will be political or otherwise?

Mr. TINKHAM. It will not be political. It will be economic, and I hope it will be for the benefit of the American people when finished.

Mr. GARD. What action will that be?

Mr. TINKHAM. I intend on next Thursday to address the House in relation to these interrogatories and the answers thereto under general debate on the Military Academy bill.

Mr. MANN of Illinois. How will the gentleman get in?

Mr. GARD. That is not action. That is conversation.

The SPEAKER. Is there objection?

There was no objection.

Following are the documents referred to:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., February 3, 1920.

To the House of Representatives of the United States:

In answer to the resolution of the House of Representatives, dated December 18, 1919, I beg to transmit the following:

1. As to paragraph 1, I beg to state that I neither made, assented to, nor approved the price for Louisiana sugar on the plantation of 17 cents per pound for yellow clarified and 18 cents per pound for plantation granulated.

2. As to paragraph 2, in view of my answer to paragraph 1, I deem no further answer necessary.

3. As to the first request in paragraph 3, I beg to state that it has not been usual for the office of the Attorney General in advance of legal action to render an official opinion in relation to the United States criminal statutes and notify possible violators of his interpretation of them, nor has it ever been done to my knowledge.

In answer to the second request in paragraph 3, I never notified the Louisiana sugar producers that under laws against profiteering they would not be prosecuted if they sold yellow clarified at 17 cents per pound and plantation granulated at 18 cents per pound.

4. In answer to paragraph 4, I beg to state that in the fall of 1919 this department was called upon to give some guide to the United States district attorney in New Orleans as to facts and circumstances which should be taken into consideration by him in beginning criminal prosecutions.

This implied a determination that, as a practical proposition, he might successfully contend in court, in the absence of particular circumstances, that a sale of sugar above a reasonable, fair, maximum price for this year's Louisiana crop of sugar was an excessive price and therefore a violation of the Lever law. He had before him the fact that Louisiana sugar was selling in the open market at from 20 to 27 cents, that the crop was but 40 per cent of the normal, and that the price was rapidly mounting.

It was the opinion of the department that all these factors would be taken into consideration by the court in considering any prosecutions, and that prosecutions begun in disregard of such considerations would offer no prospect of eventual success.

On November 7, 1919, the United States district attorney in New Orleans wired the Attorney General as follows:

"NEW ORLEANS, LA., November 7, 1919.

"ATTORNEY GENERAL,
"Washington, D. C.:

"After a protracted meeting with the sugar planters their committee agreed to a fair price of 17 cents per pound for prime yellow clarified sugar, net on plantation with 1 cent additional per pound for choice plantation granulated intermediate grades in proportion. The committee further recommended that all sales where delivery has begun by evidence of bills of lading shall stand, but recommended that all contracts for a higher figure be abrogated in fairness to all producers and manufacturers whose action in making contracts has been delayed by deference to authorities. Prime yellow clarified sold on the open market in New Orleans yesterday at 20½ cents, market virtually bare, with ready buyers for all sugar of that grade at that price. My session with the planters was a protracted one and was held after I had talked to many of the leading consumers and obtained their views. The committee itself was composed largely of the most conservative element of planters, yet there was only one member of the committee originally consenting to the 17 cents suggestion, all other members holding for a higher price because of the admitted short crop and low sugar yield. Stating in this connection that such cane as had passed through the mill showed an unusually poor yield of sugar, making estimates of production made a week ago high, and indicates losses to many even at prices agreed. I have sought the very best sources of advice in this matter and have reached conclusion that the 17 cents agreed upon is reasonable and recommend that the department accept it. I have reached this conclusion because 17 cents as a maximum price does not carry with it any guarantee that the entire crop can be disposed of at that figure and it is probable that the average for the crop would be considerably less. I have before me your telegram 6th referring to willingness of conference committee to accept 14 or 15 cents as price for entire crop. I had this fact in mind when I wired you November 3, but as Government is not in a position to guarantee the producer any fixed price for his crop and is necessarily limited to establishing a fair price, which virtually means maximum price, it would be impossible to secure consent of planters to fix the fair average price as a maximum price because of the vast difference existing between maximum price and average price for crop. I believe the action of the planters yesterday represents the extreme limit of their concessions although they met me in a conciliatory spirit. Sincerely hope that maximum price suggested may be acceptable to the department. Please instruct me by wire.

"MOONEY,

"United States Attorney."

On November 8, 1919, the following telegram was sent:

"MOONEY,

"United States Attorney, New Orleans, La.:

"Your wire of the 8th, detailing results of conference. Consider agreed price rather high, but hereby concur in maximum fixed price of 17 cents for Louisiana plantation clarifieds, 18 cents for Louisiana clear granulated. Understanding that all contracts for a higher figure to be abrogated. Further suggest, if possible, you secure an agreement in writing by authorized committee of Louisiana producers and refiners to be used as prima facie evidence where prices are charged in excess of agreement. You are hereby instructed to immediately prosecute any violator of this agreed price.

"PALMER."

These telegrams do not at all mean that we fixed the price, but do mean that, under all the special circumstances existing as to the Louisiana crops, this department was willing to concede that prosecutions would be ineffectual and unsuccessful if based upon a contention that any price less than 17 cents per pound for yellow clarified and 18 cents per pound for plantation granulated was an "excessive price" under the Lever law.

Respectfully submitted,

A. MITCHELL PALMER,
Attorney General.

House resolution 394.

IN THE HOUSE OF REPRESENTATIVES,
December 18, 1919.

Resolved, That the Attorney General is hereby directed to report to the House of Representatives forthwith—

(1) Whether he made, assented to, or approved in any way of a price for Louisiana sugar on the plantation of 17 cents per pound for yellow clarified and 18 cents per pound for plantation granulated.

(2) Upon what authority of law he has fixed or agreed that the price of Louisiana sugar on the plantation should be 17 cents per pound for yellow clarified and 18 cents per pound for plantation granulated.

(3) Whether it has been usual for the office of the Attorney General, in advance of legal action, to render an official opinion in relation to the United States Criminal Statutes and notify possible violators of his interpretation of them and whether he notified Louisiana sugar producers that under laws against profiteering they would not be prosecuted if they sold yellow clarified at 17 cents per pound and plantation granulated at 18 cents per pound.

(4) The facts upon which he fixed or agreed upon the maximum price of 17 cents per pound for yellow clarified and 18 cents per pound for plantation granulated and how these facts were obtained.

Attest:

(Signed) WILLIAM TYLER PAGE,
Clerk.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

- S. 1374. An act for the relief of Stephen A. Winchell;
- S. 2773. An act for the relief of Ethel Proctor;
- S. 2614. An act for the relief of Francis M. Atherton;
- S. 2861. An act for the relief of the Davis Construction Co.;
- S. 547. An act authorizing the enlistment of non-English-speaking citizens and aliens;
- S. 3738. An act abolishing the United States Housing Corporation; and
- S. 2978. An act to establish additional fish-cultural subsidiary stations in the State of Michigan.

The message also announced that the Senate had passed without amendment bills of the following titles:

- H. R. 3620. An act to authorize the Commissioner of Navigation to change the names of vessels;
- H. R. 683. An act for the relief of William E. Johnson;
- H. R. 5665. An act for the relief of Carlów Avellina; and
- H. R. 396. An act to authorize the payment of certain amounts for damages sustained by prairie fire on the Rosebud Indian Reservation, S. Dak.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 49.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 11368) entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921," the Clerk be, and he is hereby, authorized and directed to dispose of Senate amendments numbered 114 and 115 in manner and form as if the House had receded from its disagreement to said amendments and had agreed to the same.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

- S. 1374. An act for the relief of Stephen A. Winchell; to the Committee on Military Affairs.
- S. 2773. An act for the relief of Ethel Proctor; to the Committee on Claims.
- S. 2614. An act for the relief of Francis M. Atherton; to the Committee on Military Affairs.
- S. 2861. An act for the relief of the Davis Construction Co.; to the Committee on Claims.
- S. 547. An act authorizing the enlistment of non-English-speaking citizens and aliens; to the Committee on Military Affairs.
- S. 3738. An act abolishing the United States Housing Corporation; to the Committee on Public Buildings and Grounds.
- S. 2978. An act to establish additional fish-cultural subsidiary stations in the State of Michigan; to the Committee on the Merchant Marine and Fisheries.

ENROLLED BILL SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 11368. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921.

LEAVE TO ADDRESS THE HOUSE.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. MONAHAN] be allowed to address the House on the morning of the 23d of February, after the Journal has been read, upon the subject of George Washington.

The SPEAKER. For how long?

Mr. MONTAGUE. Twenty minutes.

The SPEAKER. The gentleman from Virginia [Mr. MONTAGUE] asks unanimous consent that the gentleman from Wisconsin [Mr. MONAHAN] be permitted to address the House on Monday, February 23, on the subject of George Washington, for 20 minutes, immediately after the reading of the Journal and the disposition of business on the Speaker's table.

Mr. MANN of Illinois. Reserving the right to object, Mr. Speaker, I did not understand the request.

Mr. MONTAGUE. I will say to the gentleman that the request was that the gentleman from Wisconsin [Mr. MONAHAN] be allowed to address the House for 20 minutes on George Washington after the reading of the Journal on the 23d of February, the 22d falling upon Sunday; hence the request for the 23d.

Mr. MANN of Illinois. I see no reason for objecting, although I wonder if the gentleman from Wisconsin intends to address the House on every anniversary day that we celebrate. On Thursday of this week he is to address the House on Lincoln.

Mr. MONTAGUE. Well, I am sure the address will be well worth listening to.

Mr. MANN of Illinois. No doubt it will be, but it will take that much time from the public business.

The SPEAKER. Is there objection to the request?

Mr. GARD. Reserving the right to object—and I shall not object—has the matter been brought to the attention of the majority leader as to the disposition of time on that side?

The SPEAKER. Is there objection?

There was no objection.

WASHINGTON'S FAREWELL ADDRESS.

Mr. MANN of Illinois. Mr. Speaker, has there been any provision made yet for the reading of Washington's Farewell Address on the 23d?

The SPEAKER. There has not.

Mr. MANN of Illinois. I ask unanimous consent that the Speaker may designate some Member of the House—not myself—to read Washington's Farewell Address on the 23d.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the Speaker suggest the name of a Member to read Washington's Farewell Address on the morning of the 23d, immediately after the reading of the Journal and before the remarks of the gentleman from Wisconsin [Mr. MONAHAN]. Is there objection?

There was no objection.

COTTON YARNS.

The SPEAKER. Has the gentleman from Connecticut [Mr. TILSON] his amendment ready?

Mr. TILSON. Yes, Mr. Speaker. I renew my request. I send my proposed amendment to the Clerk's desk.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of H. Res. 451 with an amendment, which the Clerk will report.

The Clerk read as follows:

Amend in line 3, page 1, after the word "yarns," by inserting the words "and cotton cloths."

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. MANN of Illinois. Reserving the right to object, as I understand, this resolution directing an investigation by the Federal Trade Commission is now pending before the Committee on Interstate and Foreign Commerce. I understood the gentleman to state that the reason, or one reason at least, why it had not been acted upon by that committee was because the railroad bill was in conference.

Mr. TILSON. I understand that the committee has not had a meeting.

Mr. MANN of Illinois. I hope and have reason to believe that that reason will soon disappear. I think it is a very bad practice to undertake to direct a department or branch of the Government to make an investigation which will cost thousands of dollars and which in the end usually proves worthless without the resolution being considered by a committee.

Mr. TILSON. In this case, as the gentleman knows, the Federal Trade Commission is working all the time. If the commission is not doing this work it will be doing some other work.

Mr. MANN of Illinois. The other work may be quite as important as this. I know that whenever the Federal Trade Commission are directed by either House of Congress to make an investigation they predicate a request for an appropriation upon that direction, and whenever they run short of work they get some Member of Congress, either in this body or the other, to suggest a direction to them to proceed with work. Now, I do not assume that is the case in this particular instance—

Mr. TILSON. It is not.

Mr. MANN of Illinois. Though I dare say the gentleman has conferred with the Federal Trade Commission.

Mr. TILSON. I tried to get the commission to make the investigation without this formal request.

Mr. MANN of Illinois. Which they have full authority to do under the law. But the moment they are directed to do it, then they come before the Committee on Appropriations and say, "Why, Congress has directed us to do this. We must have so much money with which to do it." Now, my friend from Connecticut thinks it is wise for us to spend the money in that way. I do not, but I think we ought to have the opinion of a committee on the subject as to whether it is wise to spend money in that way or not. It will cost that much more money to make this investigation. I do not think the investigation will amount to the snap of your finger after it is made. The gentleman from Connecticut [Mr. TILSON] probably knows a good deal more about cotton and cotton raising than I do. I think we ought to have a report from a committee before we direct the Federal Trade Commission to spend a large amount of money in making an investigation, whether it is useful or useless.

Mr. TILSON. Of course, the gentleman can object if he wishes, and can prevent the passage of this resolution now. If so, I shall have to wait until the Committee on Interstate and Foreign Commerce can pass upon it, and I do not know when that will be. Meanwhile the good that such an investigation might accomplish will certainly be lessened.

Mr. MANN of Illinois. They will not finish an investigation of this sort in a year's time.

Mr. TILSON. Oh, yes; I understand they make a good many investigations of this kind in a year's time.

Mr. MANN of Illinois. No; they do not.

The SPEAKER. Is there objection?

Mr. MANN of Illinois. I feel constrained to object.

The SPEAKER. Objection is made.

AGRICULTURAL APPROPRIATIONS.

On motion of Mr. HAUGEN, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill, H. R. 12272, with Mr. WALSH in the chair.

The CHAIRMAN. When the committee rose last evening a point of order had been made and disposed of.

Mr. HAUGEN. I offer the following amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAUGEN: Page 35, line 13, after the colon, insert:

"Provided further, That no part of any appropriation in this act for Forest Service shall be expended on any national forest in which the fees charged for grazing shall be at a rate less than 300 per cent of the existing rate."

Mr. HAYDEN. I make the point of order on the amendment offered by the gentleman from Iowa that it is legislation on an appropriation bill and an attempt to change existing law under the guise of a limitation.

The existing law provides that the Secretary of Agriculture shall have authority to fix the grazing fees upon national forests. The amendment offered by the gentleman directs the Secretary of Agriculture to treble the existing grazing fees. Clearly legislation of that character is not in order upon an appropriation bill. I do not believe that by indirection, under the pretense of a limitation, the gentleman from Iowa can accomplish that purpose.

Mr. HAUGEN. Mr. Chairman, I believe there can be no question about the amendment being in order. As stated by the gentleman from Arizona, the Secretary now has authority to fix grazing fees. The amendment is simply a limitation upon the appropriation. It states that none of the money appropriated shall be expended unless a certain fee is charged, which seems to me is entirely in order. As to the authority to charge for grazing permits, that question has been passed upon by the Supreme Court and settled.

Mr. HAYDEN. The connection between increasing the fees for grazing upon a national forest and the necessary appropria-

tion for carrying on the administration of that forest is not such as to justify the contention that the gentleman is making. The effect of his amendment would be that unless the Secretary of Agriculture trebled the grazing rate upon a given forest that national forest could not be administered; that nothing whatever could be done. All the Forest Service employees would be discharged and forest fires allowed to rage unchecked. Timber trespassing would take place without restraint, with the forests unguarded. The effect of such legislation would be absolutely ruinous.

Mr. HAUGEN. The amendment does not go that far. It is within the power of Congress to determine how money shall be expended, and that is all that is sought to be done by this amendment.

Mr. HAYDEN. What the gentleman seeks to do, in fact, is to legislate upon an appropriation bill under the guise of a limitation.

Mr. HAUGEN. It is not legislation. It is simply a limitation on the appropriation for the Forest Service. I will read from a memorandum submitted by the Forest Service on this proposition:

The act of June 4, 1897, originally authorized the Secretary of the Interior to administer the national forests. The part of that act which is pertinent shows the authority of the Secretary to prescribe rules and regulations. This act does not direct the Secretary of the Interior specifically to make a charge for any uses or sales. The question was raised, and the Attorney General of the United States held in 1906 that the language of the act gave the Secretary of Agriculture the right to establish rules and regulations for the use of national forest land and the right to fix a charge for such usage. The opinion of the Attorney General has since been sustained by the Supreme Court.

So there is no question about the authority of the Secretary to fix the fees, and, of course, there can be no question but that Congress has authority to determine how money appropriated shall be expended.

Mr. HAYDEN. Does the gentleman from Iowa deny that the effect of his amendment will take out of the hands of the Secretary of Agriculture the discretion now lodged in him by law and compel him to increase the grazing fees by three times the present charges?

Mr. HAUGEN. The forest reserves have been transferred to the Secretary of Agriculture with the same power formerly granted the Secretary of the Interior.

Mr. HAYDEN. Exactly; and the effect of the gentleman's amendment will be to take away the discretion now lodged in the hands of the Secretary of Agriculture by existing law and compel him to arbitrarily treble the grazing fees now paid.

Mr. HAUGEN. The amendment prescribes how the money appropriated shall be expended. If the forests are to be wasted, then we do not propose to spend the money appropriated. The amendment provides that if the Secretary will impose a proper charge for the grazing permits, as specified in this amendment, the money may be expended, but if the forests are to be wasted, then no money shall be available for expenditure. That is all there is to it.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. HAUGEN. Certainly.

Mr. MANN of Illinois. I do not recall the exact terms of the amendment suggested, but will this amendment, if agreed to, affect contracts for leasing or grazing now in existence?

Mr. HAUGEN. It may affect the contracts; but all of the contracts are made conditional, it being stipulated that they may be terminated at the discretion of the Secretary. The amendment provides that no part of the appropriation for the Forest Service shall be expended on any national forest in which the fees charged for grazing shall be at a rate less than 300 per cent of the existing rates.

Mr. MANN of Illinois. That would require the Secretary to cancel all of the contracts.

Mr. HAUGEN. Oh, no.

Mr. MANN of Illinois. Do not say "Oh, no," until I finish my statement, because the gentleman is not correct. It would require the Secretary to cancel all grazing contracts now in existence before he could expend a dollar of the money carried by this act. The gentleman shakes his head, but it seems to me that the gentleman is wrong.

Mr. HAUGEN. No repudiation of contracts is suggested.

Mr. MANN of Illinois. No; nothing is said in the amendment about contracts; but here is a case, we may say, where a man has a contract for grazing. The gentleman says that no part of this material should be expended in the Forest Service as long as that contract is not doubled or trebled. Is not that changing the contract?

Mr. HAUGEN. The contracts when made are all drawn conditional upon just this sort of a proposition; that is, the right

to terminate or modify the contracts is reserved by the Secretary.

Mr. MANN of Illinois. I know; but the gentleman, I think, makes this incorrect assumption, that a limitation on an appropriation bill on one subject directing the Secretary to do something means that he is not to expend the money. That is not the case. A limitation in an appropriation bill is put there to prevent a certain thing being done, not to prevent the expenditure of the money at all. I do not know, but I still agree with the gentleman on the point of order. I was trying to when we started out. It seems to me that the gentleman's amendment now requires the Secretary of the Interior to cancel all of the contracts that are now outstanding and add three times the contract price if they are to be renewed. The Secretary of the Interior can not refuse to expend this money. He has no jurisdiction to say that he will not support the national forests. The law requires him to do that. If he is to do it, then we direct him to do something which I think we have not any right to do.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. MANN of Illinois. Yes.

Mr. SNELL. What percentage of those lands are under contract now?

Mr. MANN of Illinois. They are all under contract.

Mr. SNELL. Practically all of them?

Mr. MANN of Illinois. Yes; and I think they ought to be made to pay more. I am in sympathy with the purpose of the amendment.

Mr. HAYDEN. No person can graze live stock on a national forest without a permit from the Secretary of Agriculture, and every grazer of live stock has now such a permit, which, if this legislation is agreed to, would have to be canceled and the grazing rates trebled.

Mr. SNELL. How long do these contracts run?

Mr. HAYDEN. A large number of permits were issued for five years, beginning with the year 1919, under a new policy announced by the Secretary of Agriculture.

Mr. SNELL. How much have they been raised lately?

Mr. HAYDEN. The last raise was 100 per cent. Twenty-five per cent was added to the grazing fees on national forests in 1918 and a 100 per cent increase was made in 1919. That 100 per cent raise was agreed to by the stockmen of the national forests upon the express condition that instead of year to year permits the new permits should be issued for five years. I have in my hand a copy of that class of five-year permits which I shall insert at this point.

[Sample copy.]

[United States Department of Agriculture, Forest Service. Five-year grazing permit. (This permit is not transferable and may be revoked within the discretion of the Secretary of Agriculture.)]

APRIL 10, 1919.

John Doe, of Winslow, Arizona, having paid to the First National Bank of Albuquerque, N. Mex. (U. S. depository), the grazing fee, amounting to the sum of seventy-two and no/100 dollars (\$72.00), is hereby authorized to pasture the following number and class of live stock: One hundred (100) head of cattle, upon the lands of the United States within the Coconino National Forest, from May 1, 1919, to October 31, 1919, and during the same period each year following until October 31, 1923, provided payment of like amount is made each year thirty days before the beginning of the grazing period.

Provided, That the animals shall not intrude upon any area upon which grazing is prohibited, nor upon any portion of the national forest except the following-described area: The Buckhorn grazing district.

This permit is issued upon the facts stated and under the promises and agreements made by said John Doe in his application dated December 1, 1918, and subject to the stipulations printed on the back hereof.

This permit is issued with no obligation or agreement on the part of the Government to maintain an exclusive possession upon any part of said forest to any one person or firm, nor as to adjustment of any conflict as to possession.

For violation of any of the terms of the application on which it is based, or whenever any injury is being done the forest by reason of the presence of the animals therein, this permit will be revoked and the animals will be removed from the forest.

RICHARD ROE, Supervisor.

STIPULATIONS.

The acceptance of this permit binds the permittee and his employees, engaged in caring for the animals while on the forest, to extinguish, before leaving the vicinity thereof, all camp fires started by himself or any of his employees; to render all reasonable aid in extinguishing forest fires within the district in which the stock is grazed, such service to be without compensation if required to protect the grazing area described in this permit, but at the prevailing rate of compensation if otherwise; to obey and support all the laws and regulations governing national forests; to pay for all damages sustained by the United States through any violation by himself or his employees of such laws or regulations or of the terms of this permit; and to forfeit this permit whenever the national forest for any reason ceases to exist, or for a violation of the national forest regulations now or hereafter adopted or of any of the terms of this permit, or whenever an injury is being done to the forest by reason of the presence of the animals therein.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, will the gentleman from Arizona yield?

Mr. HAYDEN. Yes.

Mr. McLAUGHLIN of Michigan. I think the gentleman is not quite right in saying that so many of the contracts run for five years, and that they were made so in pursuance of a statement of policy by the Secretary of Agriculture. The Secretary of Agriculture conferred with those who lease the national forests for grazing purposes, and one of the subjects under discussion was the amount that should be charged. The Secretary suggested an increase, but said that according to his policy there would be no considerable further increase during the coming five years. Some of the contracts were made for five years following that conference, but every contract made and every permit issued contains an express provision that the amount can be changed at any time, and that for reasons sufficient to the Secretary it may be canceled entirely at any time. So that the adoption of the provision suggested by the gentleman from Iowa would be no violation of existing contracts.

Mr. HAYDEN. It is in violation of the announced policy of the Secretary of Agriculture, which appears in a letter printed on page 127 of the hearings, to the effect that the time had arrived on the national forests where five-year permits could be issued; that he had directed and authorized the issuance of such permits. It further appears in the testimony before the committee that a large number of such permits have been issued. To my certain knowledge practically every permit issued on the forests of my State during the past year has been for five years.

Mr. McLAUGHLIN of Michigan. That policy the Secretary of Agriculture talked about was a policy that he had been pursuing of charging only a fraction of the value of the forests for grazing purposes. He was inclined to continue that policy. It is the idea of the Congress, at least if the Committee on Agriculture properly represents the sentiment of Congress, that his policy is wrong and ought to be changed. The Secretary ought not to continue to permit the forests to be used at a very small part of their value. The policy ought to be changed. And, besides, it is the province of the Congress to determine the policy, and the amendment the committee offers determines the policy that there should be increases. When the Secretary talks about five years, it is simply giving voice to his sentiment that his old policy of charging a very small fee ought not to be changed, at least for five years. Congress differs from him; at least it ought to. The Committee on Agriculture differs from him radically and has made this recommendation to the House.

Mr. HAYDEN. The committee itself in the amendment which was reported to the House provided for five-year permits. The committee is adopting the announced policy of the Secretary of Agriculture, except that they make a difference in the time as to when that policy shall go into effect. The Secretary decided the question in 1919 and made a 100 per cent raise, and now, by reason of the present inflated values of live stock, the committee is of opinion that a further raise can be made in the middle of the present five-year period, and arbitrarily seeks to impose this burden on the live-stock industry of the national forests.

Mr. MONDELL. Mr. Chairman, an amendment has been offered in the guise of a limitation. There are at least two things that can not be done under the guise of a limitation. Under the pretense of a limitation you can not change existing law. You can not under that guise or pretense take from an executive officer the discretion, authority, and control that has been vested in him. The amendment offered by the gentleman from Iowa does both of these things. It changes existing law, and in changing existing law it takes from the Secretary of Agriculture the discretion which he is now exercising. That it does that is evidenced very clearly by the discussion that has been had relative to the five-year contracts which the Secretary has entered into acting under his discretion. Having the authority to fix the rates, he has been fixing them, and in many cases he has entered into agreements under which five-year leases have been granted.

The rulings with regard to limitations on appropriations have been quite liberal, but they have been very clear and definite, in that they deny the right to change existing law or take from the discretion of an executive officer under the guise of an attempt to limit the use of money appropriated. It is not a question as to the wisdom or virtue or propriety of the plan proposed.

It is clearly out of order, because it is a change of existing law and legislation under guise of a limitation. It does take from an executive officer the discretion which the law has given him and the discretion which he is now exercising, and the discretion under which he has made five-year contracts in many cases.

Mr. ANDERSON. Mr. Chairman, I desire to be heard very briefly on the point of order.

I want to direct the attention of the Chair to some decisions with which I anticipate he is already familiar, for the purposes of the record. I want to direct the attention of the Chair to the character of the limitations which have heretofore been sustained by the Chair as limitations against points of order such as are made against this proposition.

For instance, it has been held that while it is not in order on an appropriation bill to require lettering on public vehicles, it is in order to withhold an appropriation from all that are not lettered. Now, if it would be in order to apply a limitation to an appropriation in the Post Office appropriation bill to the effect that no part of the appropriation should be spent for the maintenance of vehicles, we will say, unless they were lettered in a certain way, it would seem to follow in the same way that you might put a limitation upon an appropriation for the national forests providing that no part of the funds for that service should be spent in the national forests in which the grazing fees were less than a certain amount.

The gentleman from Illinois [Mr. MANN] makes the point that the effect of this limitation will be to require the cancellation of these contracts. Now, let me put it squarely to the Chair. Would the Chair say that the Congress would have no authority to say in this particular that no part of any appropriation made for the Forest Service in this act should be spent in any national forest in which the Forest Service had made a certain contract? I venture to say that the Chair would not so hold. It seems to me that it follows that the mere fact that the effect of this limitation is to require the cancellation of a contract does not of itself make this limitation subject to a point of order.

There is another decision which is even more in point than the one to which I have alluded. In volume 4 of Hinds' Precedents, paragraph 3995, it was held that the following paragraph was in order:

For transportation of mail by pneumatic tube or other similar devices, by purchase or otherwise, \$225,000.

A point of order was made against that item on the ground that it was not authorized by law; that it was a change of existing law, because the Postmaster General had the authority to carry the mail anyway he pleased, and that this was a direction to him to do it in a certain way. Now, we have exactly the same situation in the national forests. The Agricultural Department has the power to require a fee to be paid for grazing. We simply say that that charge shall not be less than so much, upon the condition that the appropriation shall not be spent unless it is so much. It seems to me that the proposition which the gentleman from Iowa proposes is not a change of existing law or in violation of the rules, nor is it outside of the purview of the rules which apply to limitations upon an appropriation bill.

Mr. HICKS. Will the gentleman yield for a question?

Mr. ANDERSON. Yes.

Mr. HICKS. In citing the references in Hinds' Precedents in regard to the Post Office bill, how was the point of order finally determined?

Mr. ANDERSON. Well, it was held in that case that the item was in order.

Mr. HICKS. So that the limitation proposed to be placed in the Post Office appropriation bill was held to be in order.

Mr. ANDERSON. Absolutely. And there are a number of decisions going as far as this one does.

Mr. MONDELL. Mr. Chairman, the gentleman from Minnesota [Mr. ANDERSON] is not as happy as he ordinarily is in citing precedents. His first precedent cited a case where there was no law—no sort of law—

Mr. ANDERSON. There is not any here.

Mr. MONDELL (continuing). In regard to lettering vehicles; and, therefore, it might very properly be said that a certain appropriation being made, it could not be applied to vehicles that were not lettered.

Mr. ANDERSON. Will the gentleman yield?

Mr. MONDELL. There was no law affected by that. That was clearly a limitation.

Mr. ANDERSON. The gentleman, of course, will not contend that you can make new law in an appropriation bill but you can not change existing law?

Mr. MONDELL. It was not new law. To simply say that this particular appropriation shall not be spent on a particular class of vehicles is not making new law at all. It is clearly a limitation—as clear as noonday.

Mr. ANDERSON. I call the gentleman's attention to the fact that in that particular instance the Chair held, in the form of legislation instead of in the form of limitation, it was legislation.

Mr. MONDELL. Very well. The gentleman is urging that it was a limitation, and I was taking his word for it, and I

think he was right about it. It was clearly a limitation on the appropriation. It did not propose to fix any law or provide any law or establish any rule of law or practice. He then quoted another case in which there was no law. And I think all three of the cases cited were of that character—for instance, the provision with regard to the pneumatic tubes. In the absence of any law, the appropriation might be made with a limitation; but, Mr. Chairman, there is a law on this subject, and the law is that the Secretary shall fix the fee. And an amendment has been offered under which the Congress fixes the fee at three times the present fee. It is a legislative fixing of a fee, and thereby it amends the law which allows the Secretary to fix fees, and it takes from the Secretary's discretion. Clearly this is an effort to change existing law and enact a new law, and to take from the discretion of an executive officer under the guise and pretense of a mere limitation.

Mr. HAYDEN. If the Chair will look at paragraph 3931 of Hinds' Precedents he will find the principle announced that legislation can not be proposed under the form of a limitation, and thereafter follow pages and pages of precedents in support of that general principle of parliamentary law. Apparently the gentleman from Minnesota [Mr. ANDERSON] has thumbed his volume of precedents very thoroughly and has been able to find but two doubtful cases in support of the exceptional and ingenious argument he now is making. There can be no doubt but that under the standing rules of the House this amendment is not in order.

Mr. FRENCH. Mr. Chairman—

The CHAIRMAN. Does the gentleman wish to discuss the point of order?

Mr. FRENCH. I wanted to develop the idea a little bit further by saying that if this could be held to be in order under the guise of a limitation you could attach a provision to any appropriation bill saying that unless the conditions there recited shall be enacted and complied with the appropriation shall not be expended. It is precisely what is done here, except it is done in a few words. There is existing law on the subject, and it is proposed to change it by increasing the fees 300 per cent arbitrarily.

Mr. GREEN of Iowa. Mr. Chairman, I desire to be heard very briefly on the point of order.

The CHAIRMAN. The Chair will ask the gentleman from Minnesota [Mr. ANDERSON] to cite the place in the precedents where the reference is to be found to which he called attention.

Mr. ANDERSON. It is in volume 4, paragraph 3953, and the Chair will find precedents along in the same order at about the same place. I did not cite them all.

Mr. GREEN of Iowa. Mr. Chairman, conceding that this amendment would change the law, which I do not concede at all, because I think the gentleman from Minnesota is correct about it, I still think the amendment would be in order for this reason: I read now very briefly from a decision of Chairman Crisp, quoted on page 507 of the Manual:

The Holman rule provides an additional method of legislating upon an appropriation bill. The proviso to clause 2 of Rule XXI provides that legislation, the natural consequence of which is to retrench expenditures, is in order if it is proposed by a committee of the House having jurisdiction of the legislative subject matter of the amendment or by a joint commission.

Mr. HAYDEN. But it must be conceded that this amendment is not proposed by a committee having jurisdiction of the legislative subject matter, so that the rule which the gentleman from Iowa has quoted would not apply.

Mr. GREEN of Iowa. Why not?

Mr. HAYDEN. The only way by which legislation that would be in order under the Holman rule can come before the House is by a report from a standing committee to the House. This amendment was offered from the floor by a Member of the House.

Mr. GREEN of Iowa. No. It does not make any difference as to the form of the amendment if the committee has jurisdiction of it.

Mr. HAYDEN. To be in order such an amendment must be regularly reported to the House by the Committee on Agriculture.

Mr. GREEN of Iowa. This is a committee amendment.

Mr. HAYDEN. The gentleman from Iowa is mistaken. This is not a committee amendment. It is an amendment offered individually by the gentleman from Iowa [Mr. HAUGEN]. It was not acted upon by the Committee on Agriculture and was not reported by that committee to the House.

Mr. GREEN of Iowa. I misunderstood that. I understood this was a committee amendment. If it is not a committee amendment, my remarks do not apply.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which reads as follows:

Provided further, That no part of any appropriation in this act for the Forest Service shall be expended on any national forest in which the fees charged for grazing shall be at a rate less than 300 per cent of the existing rates.

To which amendment the gentleman from Arizona [Mr. HAYDEN] makes the point of order that it is legislation changing existing law and is not proper to be placed on the bill.

The Chair has examined the precedents cited by gentlemen who have discussed the point of order, and the Chair believes that as a general proposition an amendment proposed as a limitation must be a limitation upon the appropriation, and should not be an affirmative limitation upon the official who may be vested with discretion or specific authority under existing law. In the view of the Chair, this limitation does not come within the rule laid down in the case of the public vehicles—the precedent cited by the gentleman from Minnesota [Mr. ANDERSON]—where the appropriation was withheld for a certain class of public vehicles.

The Chair understands, as he referred to the authority yesterday, that the Secretary of Agriculture under existing law is vested with certain discretionary power. It is sought by this amendment to so modify that law, which gives him the general discretion or wide discretion, as to limit his discretion in the matter of the regulation of fees for grazing on national forests. In the opinion of the Chair this is a limitation which would forbid the whole of the appropriation made for the national forests from being expended, except upon the condition that an executive officer should take a certain specified course which he is not now required to take under existing law, and it is a limitation upon the discretion and authority of the executive officer rather than a limitation upon the appropriation. The Chair does not think that the amendment comes within the provisions of the Holman rule, and is therefore constrained to sustain the point of order.

Mr. ANDERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON: Page 35, line 13, after the figures "\$1,000," insert: "*Provided further*, That no part of any appropriation in this act for the Forest Service shall be expended on or in connection with any national forest in which the fees charged for grazing shall be less than the appraised value of such grazing as determined by the Secretary of Agriculture."

Mr. HAYDEN. Mr. Chairman, I make the point of order that the amendment just offered seeks, by an alleged limitation upon an appropriation, to change existing law.

The amendment of the gentleman from Minnesota provides that there shall be an appraisal of the value of grazing on the national forests, and that unless such an appraisal is made—a duty which is not now imposed upon the Secretary—the appropriations made by this bill can not be used. The existing law authorizes the Secretary of Agriculture to fix the grazing fees. This thinly disguised limitation seeks to take away from the Secretary a power that he now possesses.

Mr. ANDERSON. Mr. Chairman, the Chair, being a very distinguished parliamentarian, is familiar with the fact that very slight changes in amendments, at least changes which appear to be very slight on the surface, often constitute sufficient modification to bring a proposed item within the rule, where another item of very similar character would be outside of the rule.

Now, there is a very marked difference between the amendment which I have offered and the amendment which the gentleman from Iowa [Mr. HAUGEN] offered with respect to its status as a limitation. The amendment which the gentleman from Iowa offered did have the effect, perhaps, within reasonable grounds of argument at least, of changing the law in the sense that it affirmatively increased the fees which the Secretary was charging in the national forests under existing law. It fixed the charges at a higher rate than under existing law. The amendment which I have offered does not have that effect. It simply provides that no part of the appropriation shall be expended in a national forest in which the fees charged shall be less than the appraised value as determined by the Secretary.

Now, under the decision of the Supreme Court, the Secretary of Agriculture determines what is the value of the grazing. Under this item he would continue to determine what is the value of the grazing. He might determine that its value is exactly what he is charging now. I hope he will not do that. I hope he will change his basis of appraisal from a nominal basis to a commercial basis. But this does not require him to do that. It does not affirmatively require him to change the charges in a national forest at all. It certainly does not go any further

than the item to which I referred the Chairman in my prior argument in case of the Post Office Department, where it was held that although the Postmaster General had the power to distribute the mails or carry the mails in any way he pleased, the item might direct him to carry them in a particular manner.

Now, I want to direct the attention of the Chair to the fact that there is no affirmative or specific law giving the Secretary of Agriculture the power to fix these grazing rates. What happened was this: The Secretary had general powers to make rules and regulations relative to the use of the national forests. Under that power he fixed the grazing charges in the national forests, and the Supreme Court, in a test case, held that the Secretary of Agriculture had that power. He still has it. He has it under my amendment. He can make the grazing fees exactly what they are to-day. But even if this amendment required him to make the charges on the basis of the appraised value in the sense of the commercial value of the grazing, I contend that the limitation is clearly within the precedent laid down in the case to which I referred touching the Post Office Department.

Mr. HAYDEN. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. HAYDEN. The gentleman from Minnesota concedes that the Secretary of Agriculture, under the law and decisions of the Supreme Court, now has the power to fix the grazing fees?

Mr. ANDERSON. Yes; and he can fix no fee at all.

Mr. HAYDEN. The Secretary is not limited by the existing law as to how he shall arrive at a determination of what the grazing fees shall be. But the gentleman's amendment limits the Secretary of Agriculture to an appraisal as the only method of determining the value of the grazing on the forest reserves. Therefore the amendment limits his discretion and authority to that particular way of arriving at the value of the grazing privilege.

Mr. ANDERSON. I say he has to arrive at it by some method now, and the mere fact that this designates the method does not make it subject to a point of order, because it is clearly within the limit of the rule laid down in the case I referred to.

Mr. MONDELL. Mr. Chairman, I will be brief. It is very clear that the amendment offered limits the discretion of the Secretary, as just suggested by the gentleman from Arizona [Mr. HAYDEN]. He may now arrive at his determination of what the grazing fees are to be through any process that seems proper to him. He may take into consideration any number of factors, and he should take into consideration a great variety of factors that ought to be considered; but the gentleman from Minnesota [Mr. ANDERSON] would limit him to the consideration of one factor of the equation in the determination of what the grazing fee should be.

Mr. HAYDEN. Yes; but under the existing law the Commissioner of Indian Affairs has the right to fix the grazing fees upon an Indian reservation without appraisal. He simply offers them to the highest bidder. That would be one method of fixing the grazing fees without any appraisal at all. The Secretary of Agriculture has the same authority.

Mr. TINCHER. Will the gentleman yield?

Mr. HAYDEN. I have not the floor.

Mr. SAUNDERS of Virginia. Mr. Chairman, there is a very simple test that may be applied to this amendment. Should it be adopted what would be the law then in force as compared with the existing law?

Under existing law the Secretary of Agriculture is not hedged about with any limitation upon his discretion. He is clothed with a discretion which he may exercise, not according to any prescribed rules, but upon the considerations that in his judgment are proper to be included in arriving at a decision. Will that be the situation of the Secretary if this amendment is adopted? Not at all. This amendment hedges him about in the exercise of his discretion. To hedge an official about in the exercise of discretion is to reduce that discretion, and to reduce one's discretion is to change existing law, for the manifest reason that as a result of this reduction the Secretary will have less authority under the law than he formerly enjoyed. Applying the principle of limitation to the expenditure of money it is perfectly competent for Congress to say that officials shall not have the benefit of money that we appropriate under circumstances specifically indicated. It is always competent for Congress to do this, but that is a very different thing from undertaking to say to an official that he shall not enjoy the benefits of an appropriation unless he does something or causes something to be done which requires the force of the amendment either to enable him to do or to compel him to do.

Mr. RAKER. And in addition to that, this amendment gives him no discretion, because it provides that there must be an appraisement.

Mr. SAUNDERS of Virginia. I have made that criticism of the amendment, that it hedges about the exercise of an otherwise unlimited discretion. The moment you do that, the moment you reduce the discretion which the Secretary enjoys at present, you thereby change the law. Apart from this amendment the Secretary possesses unlimited discretion to determine the elements proper to be considered in arriving at his conclusion. Pass this amendment, and in the future the Secretary can not do what he is now enabled to do. Something then will have been taken away from him, if his present power of discretion is curtailed. But the curtailment of official discretion is legislation. It is forbidden to legislate on an appropriation bill, in the guise of a limitation. This amendment is legislation in that guise, and is therefore out of order.

Mr. HAWLEY. Mr. Chairman, I desire to add one further suggestion. The amendment provides that no part of the appropriation for the Forest Service can be expended except under the limitation provided in the amendment that an appraisal shall be had to determine the grazing fees to be charged on any particular forest. Now, suppose the department is not able, prior to the time of the summer season, to go to any particular forest and make an appraisal. A forest fire breaks out in that forest. The Secretary can not expend any money in extinguishing that fire until he has appraised the grazing fees on that forest. Under the guise of limiting the authority of the Secretary of Agriculture as to fixing grazing fees the proposed amendment limits the authority of the Secretary and changes the law under which he can extinguish forest fires, and is clearly not in order on an appropriation bill.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I am wondering if the Chair has before him the law under which the Secretary of Agriculture has been acting, which law gentlemen say will be changed if this amendment offered by the gentleman from Minnesota is adopted.

As I understand it the law under which the Secretary has acted is the act of June 4, 1897, which says among other things—

He may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction.

I can not find any law which vests in the Secretary of Agriculture the absolute, unlimited authority to fix these grazing fees. It comes under his general authority to regulate, and it seems to me that it is not right to hold that any amendment suggesting to him a method of regulating is necessarily a change of law.

Mr. HAYDEN. Mr. Chairman, either the gentleman contends that there is law or that there is no law. If there is no law there is a precedent in section 3812 of Hinds' Precedents which states that the enactment of positive law where none exists is construed as a provision changing existing law such as is forbidden in an appropriation bill. So the gentleman's argument falls to the ground in either event.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Minnesota offers an amendment which provides—that no part of any appropriation in this act for the Forest Service shall be expended on or in connection with any national forest in which the fees charged for grazing shall be less than the appraised value of such grazing as determined by the Secretary of Agriculture.

To which amendment the gentleman from Arizona makes the point of order that that is not a proper limitation, in that it is legislation which changes existing law.

The Chair is advised by the memorandum submitted by the gentleman from Iowa [Mr. HAUGEN], chairman of the Committee on Agriculture, that the Supreme Court has held that the provisions of the act of June 4, 1897, giving the Secretary of the Interior authority and discretion in making provisions for the protection of forests against destruction by fire, and against depredations, to make rules and regulations for such service as will insure the object of the reservation and permit the Secretary to fix the charge for such use.

The Chair thinks the authority conferred by that act is very broad and general in its terms, and that it confers wide discretion on the Secretary of Agriculture. In the view of the Chair the limitation offered to the provision of the bill with reference to the Forest Service, making appropriations for that service, which might be construed as modifying the existing law limiting the wide discretion given by that law, must necessarily be held to be a change of existing law. And while the amendment does not positively establish the fee as the amendment offered by the gentleman from Iowa [Mr. HAUGEN] did, still it directs the Secretary to act in a particular manner in arriving at the fee which he shall charge, and in that respect it limits his discretion and modifies the general provisions of the law contained in

the act of 1897. For this reason the Chair feels constrained to sustain the point of order.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record by printing an address delivered by the Speaker of this House at Springfield last Sunday.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to print in the Record an address by the Speaker of the House delivered at Springfield, Mass., on Sunday last. Is there objection?

There was no objection.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McLAUGHLIN of Michigan: Page 35, line 13, after the colon, insert:

"Provided further, That the charge for grazing permits upon each of the national forests shall, under the rules and regulations authorized by the acts of June 4, 1897 (30 Stat. L., p. 11), and the act of February 1, 1905 (33 Stat. L., p. 628), be not less than the appraised value of pasturage upon such national forests as may be determined by the Secretary of Agriculture from time to time."

Mr. HAYDEN. Mr. Chairman, I make the same point of order. The Chair has covered the entire case in his last ruling.

The CHAIRMAN. The gentleman from Arizona makes a point of order. Does the gentleman from Michigan desire to be heard on the point of order?

Mr. McLAUGHLIN of Michigan. Mr. Chairman, this matter was before the Committee on Agriculture when this bill was being prepared, and being brought to the attention of the Chief of the Forest Service and of the Solicitor of the Forest Service, those gentlemen, at the suggestion of the chairman of the committee, prepared an amendment to meet the views of the committee and at the same time be free of the objection that it might be subject to a point of order.

The amendment, as I have stated it, was prepared by the solicitor, and if the Chair will pardon me, I will read what the solicitor says about it:

The act of June 4, 1897, referred to in the proposed amendment, originally authorized the Secretary of the Interior to administer the national forests. The part of that act which is pertinent, showing the authority to prescribe the rules and regulations, is as follows:

A part of that has been read by others, but in order to make the statement continuous I will, with the permission of the Chair, read in full what the solicitor says:

"The Secretary of the Interior shall make provisions for the protection against destruction by fire and depredations upon the public forests and forest reservations which may have been set aside or which may be hereafter set aside under the said act of March 3, 1891, and which may be continued; and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests."

This act did not direct the Secretary of the Interior specifically to make a charge for any uses or sales of any products. The act of February 1, 1905, however (33 Stat., 628), authorized the fixing of a charge when it provided for the disposition of receipts from the sale of any products or the use of any lands on the national forests. Section 5 of that act is as follows:

"That all money received from the sale of any products or the use of any land or resources of said forest reserves shall be covered into the Treasury of the United States."

It should be remembered that the law referred to—the act of February 1, 1905—transferred the national forests and jurisdiction over them from the Secretary of the Interior to the Secretary of Agriculture.

The solicitor says further:

The Attorney General of the United States held in 1906 that the above language gave the Secretary of Agriculture both the right to establish rules and regulations for the use of any national forest lands and the right to fix and collect a charge for such uses. The opinion of the Attorney General has since been sustained by the Supreme Court of the United States and in several other courts of lesser importance. The Supreme Court decisions were *United States v. Light* and *the Utah Light & Power Co. v. the United States* (one of these cases is in 220 U. S. and the other can be easily located).

The solicitor adds:

This amendment, I believe, is not subject to a point of order, since the Secretary of Agriculture can now charge for grazing permits under rules and regulations authorized by existing law, and he can fix this rate of charge as the appraised value of the lands to be grazed as is proposed to be done in the amendment.

Mr. HAYDEN. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I yield.

Mr. HAYDEN. Did the committee question the Solicitor of the Department of Agriculture as to his experience which qualified him as an expert on parliamentary law in the House of Representatives?

Mr. McLAUGHLIN of Michigan. This matter was put up to him squarely, because we realized that if the amendment was subject to the point of order some gentlemen from the West, some of whom in the past, at least, have most deeply resented the

suggestion that grazing fees should be increased, might now make the point of order, and we ought to be fortified by the opinion of those who have given very careful consideration to the subject.

Mr. HAYDEN. Did the committee consider that the Solicitor of the Department of Agriculture knew more about parliamentary law than the members of the committee itself?

Mr. McLAUGHLIN of Michigan. I offer the suggestion of the solicitor for what it is worth. I have perfect faith and confidence in the present occupant of the chair, and of course we will abide by his decision.

Mr. ANDERSON. Mr. Chairman, I do not expect to be able to direct the attention of the Chair to decisions that he has not already read, but I want to point out that the strict ruling of the Chair made upon the last amendment I offered, and which perhaps might be applied to the amendment offered by the gentleman from Michigan, seems to me to be narrower than is justified by the later decisions of Chairmen of the Committee of the Whole upon questions of limitations on appropriation bills. I call the attention of the Chair to some language which appears in section 825 of the House Manual, where the rule is thus stated:

The limitation may not be applied properly to the official functions of executive officers, but it may restrict executive discretion so far as it may be done by a simple negative upon the use of the appropriation.

It seems to me that the amendment which the gentleman from Michigan offers does not seek affirmatively to legislate with respect to official functions of the Secretary of Agriculture. It seeks by a simple negative to limit his discretion with respect to a particular subject.

I call the attention of the Chair to a decision under the general rule to be found on page 637 of Hinds' Precedents, volume 4, section 6969:

On April 12, 1906, the Post Office appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when Mr. Jesse Overstreet, of Indiana, offered this amendment: Page 15, strike out lines 6 to 16 and insert the following:

"For inland transportation by star routes, including temporary service to newly established offices, \$7,100,000: *Provided*, That no part of this appropriation shall be expended for continuance of any star-route service the patronage of which shall be served entirely by the extension of Rural Delivery Service, nor shall any of said sum be expended for the establishment of new star-route service for a patronage which is already entirely served by Rural Delivery Service: *And provided further*, That out of this appropriation the Postmaster General is authorized to provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as he may think advisable, without advertising therefor."

That proviso sought, of course, to limit the discretion of the Postmaster General with respect to a matter over which, under the general law, he had absolute authority; and it seems to me that in the amendment which the gentleman from Michigan has offered all he has done is to limit the executive discretion with respect to the use of this appropriation by the simple negative upon the appropriation itself, and that it is within the rule which is stated in the Manual and within the decision which I have just quoted.

Mr. SAUNDERS of Virginia. Mr. Chairman, it seems to me that the concluding statement of the gentleman from Minnesota puts him out of court. He admits that the amendment is an effort to limit executive discretion. The limitation of discretion and the limitation of money are entirely different things, though they are frequently confused. When the effort is made to limit the discretion of an officer, as pointed out by the Chair in his former ruling, that is nothing, if effective, but legislation. According to the decision of the Supreme Court referred to, I think, by the gentleman from Michigan, the Secretary of Agriculture possesses at present unlimited discretion in this connection. I think a statement was read, coming from some solicitor and supposed to be in aid of the decision of the pending parliamentary point, to the effect that this amendment could not possibly be out of order, because the Secretary of Agriculture can do at the present time the things proposed by the amendment. That is perfectly true, but he is not compelled to do them. This amendment proposes to compel him in the future to travel this road and none other. He may at present, in the exercise of his unlimited discretion, do the very things proposed, but of his own free will. Pass this amendment, however, and for the future he can exercise his discretion in no other way. The effect of the amendment, therefore, is to circumscribe the discretion which the law now gives to the Secretary. Hence it is legislation and out of order.

The CHAIRMAN. The gentleman from Michigan offers an amendment which provides that the charge for grazing permits upon each of the national forests shall, under the rules and regulations authorized by the act of June 4, 1897, Thirtieth Statutes at Large, page 11, and the act of February 1, 1905, Thirty-third Statutes at Large, page 628, be not less than the

appraised value of pasturage upon such national forests as may be determined by the Secretary of Agriculture from time to time.

The language is not in the form of a limitation, in the view of the Chair, in that it relates to the appropriation made. It clearly is a provision which modifies the discretion and authority of the Secretary of Agriculture as contained in the two acts referred to, and does not come within the precedent cited by the gentleman from Minnesota [Mr. ANDERSON], referring to the expenditure for the continuance of the star-route service. It clearly seeks to change the law.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, if the chairman will permit an interruption, I did not prepare the amendment. It evidently was not completed. I took it from the chairman of the committee. It is evidently a draft of the purpose to be accomplished. The words making it a limitation or the words to the effect that no part of this appropriation shall be used "until" or "unless" were inadvertently omitted. Those words should precede the language of the amendment. If that would make any difference with the ruling of the Chair, I would ask consent to have the amendment modified.

The CHAIRMAN. The Chair does not think that would change it.

Mr. McLAUGHLIN of Michigan. Then I shall not take the time to offer it.

The CHAIRMAN. The amendment fixes what the charge shall be. The present law leaves that in the discretion of the Secretary. The mere fact that the Secretary can adopt this method of fixing a fee prescribing what the charge shall be under existing law, in the view of the Chair, does not authorize on an appropriation bill a provision establishing what the fee shall be and making that the authorized fee, and to that extent curtailing the discretion and power of the Secretary and thus modifying and changing existing law. As the gentleman from Virginia [Mr. SAUNDERS] has pointed out, if this were done it would limit the discretion of the Secretary and say what the fee should be after the Secretary had done a particular thing. The Chair sustains the point of order.

Mr. HAUGEN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. HAUGEN: Page 37, after line 8, insert: "For the purpose of protecting, improving, and securing the fullest possible use of the public grazing lands of the United States, and promoting the production of live stock, \$50,000: and the President of the United States is hereby authorized to establish, from time to time, by proclamation, grazing commons upon any of the unreserved, unappropriated public lands of the United States chiefly valuable for grazing; and thereafter such grazing commons shall be administered by the Secretary of Agriculture, under such rules and regulations as he may prescribe, the violation of which shall be punished as is provided for in section 56 of the Penal Code of March 4, 1909 (35 Stat., p. 1900); and all laws applicable to the national forests, including appropriations for and the distribution of moneys received, the entry and survey of agricultural homesteads, and the right to prospect for and acquire mineral lands are hereby extended and made applicable to such grazing commons."

Mr. HAYDEN. Mr. Chairman, I make the point of order that this amendment is legislation on an appropriation bill. The amendment shows on its face that it is an attempt by the Committee on Agriculture to assume the jurisdiction now possessed by the Committee on the Public Lands. The amendment would extend the jurisdiction of the Secretary of Agriculture over the public lands of the United States outside of the national forests, which are now under the jurisdiction of the Secretary of the Interior. I am free to confess that I am in sympathy with a proper regulation of grazing on the public domain, but I must insist that the committee of the House having jurisdiction of that subject matter should undertake the legislation and not the Committee on Agriculture, which has no such authority under the rules of the House.

Mr. HAUGEN. Mr. Chairman, will the gentleman reserve the point of order?

Mr. HAYDEN. Certainly.

Mr. HAUGEN. I want to make a statement concerning this amendment. The average fee on the forest reserve now for cattle is 72 cents a head.

The total receipts for grazing are about \$2,600,000. A 2-year-old steer, for instance, pastured all summer sells around \$15 a hundred. If so, these people could well pay more for the grazing than they are now paying. What they pay for a year's grazing is about what we pay in my section of the country for one month's grazing. Yet these people object to a fee of 72 cents. They come before this committee to ask large appropriations. You are willing to take money out of the Treasury to expend in the forests, but you are not willing to increase the receipts a dollar to put into the Treasury. This proposition, if the amendment is adopted, will add more than \$1,000,000 to your

State treasury and will, in all probability, add two or three million dollars to the Federal Treasury.

Here is a revenue which we should avail the Government of, especially at this time, when we need it badly, and at a time when there are heavy demands on the Treasury. Consider the situation, gentlemen. Are you warranted in opposing this amendment, which properly will bring millions of revenue into the Treasury? It seems to me that it is an absolutely fair proposition that those using the forest reserves for grazing should pay a reasonable price for the privilege.

Mr. HAYDEN. The gentleman from Iowa will concede this fact, that under the amendment which he has offered he is seeking to regulate grazing on 220,000,000 acres in the public domain, where nothing is now charged, and that the public domain entirely surrounds the national forests, where a grazing fee is charged.

Mr. HAUGEN. We are at present expending money to keep the cattle grazing on the public lands off the national forests. We are not getting a penny in return for allowing cattle to graze on the public land; not one cent is going back into the Treasury for that privilege, yet the gentleman is opposing this amendment. He is opposing this amendment proposing a fee for grazing on the public lands, which will not only put money into the State treasury but into the Federal Treasury as well, although he is perfectly willing to take money out by the millions to be expended in the forests and on the public lands. My friend, the receipts from the national forests from all sources are only a little over \$4,000,000, while the expenditures on the national forests run over \$9,000,000, leaving a deficit of over \$4,000,000 per annum, and yet you oppose this amendment to increase the revenue.

Mr. HAYDEN. Let me make a brief statement. If the Committee on Agriculture—and they are cordially invited to do so—will visit the forest reserves of the West and give the cattlemen, the woolgrowers, and other stock raisers an opportunity to be heard, will familiarize themselves with the actual conditions, and then report legislation to Congress which, after hearing both sides of the controversy, you have satisfied yourselves is just and fair, you will hear very little opposition from the West. But the situation is, if I may be bold to point it out, that there is but one Representative in Congress who is a member of the Committee on Agriculture who has in his district a national forest reserve.

Mr. HAUGEN. The gentleman is mistaken. The gentleman from Montana [Mr. Riddick] is a member of the committee, and so is the gentleman from Arkansas [Mr. JACOWAY].

Mr. HAYDEN. I had reference to the gentleman from Montana. No member of the committee, so far as I know, has ever made a tour of the West and studied the actual conditions on the national forests and therefore can speak from first-hand information. All that the members of the committee know is what somebody from the Department of Agriculture tells them.

Mr. HAUGEN. The gentleman is assuming a great deal. There are members on the committee who have had as much experience in the cattle business as anybody here.

Mr. HAYDEN. That may be true, but not upon the forest reserves. Not a member of your committee has ever grazed a head of cattle or sheep in a national forest. The people I represent, the stock growers of the West, through their various organizations, are asking for an opportunity to present their side of the case to the Committee on Agriculture. There never was a controversy without two sides, and if this committee will call witnesses to Washington, or, much better, if the members of the committee will go out to the West and see the conditions for themselves, I am satisfied that legislation can be enacted which will bring revenue to the Treasury and at the same time protect the legitimate interests of the stockmen on the national forests. But it has been proposed to hastily and arbitrarily place a great burden upon them without even a hearing. I have, therefore, felt constrained, from a sense of duty to my constituents, to make points of order against all such amendments.

Mr. HAUGEN. The fact remains that in the Forest Service the expenditures are over \$9,000,000, and the receipts from all sources are only slightly over \$4,000,000. There is a deficit of over \$4,000,000. We turn over 155,000,000 acres of land to the Forest Service to administer. The Secretary has authority to charge for grazing, for the timber, and for the water privileges as well, and yet there is a deficit of \$4,000,000.

Mr. MONDELL. Mr. Chairman, I rather regret that the Committee on Agriculture has seen fit to attempt, in connection with the consideration of a very important appropriation bill, to vitally change the law affecting very large areas and vast interests. This committee is a legislative committee as well as an appropriating committee, and has the authority and it is

the duty of the committee from time to time to take up the problems that properly come before it, examine them, and legislate upon them. The committee has not seen fit to do that in connection with the matters that have been discussed here, but placed in the bill a paragraph vitally changing the law with regard to a matter of very great interest to the people of an enormous area of the country, and without, I regret to say, that careful, painstaking consideration which the importance and the complicated character of the problem requires.

Now, Mr. Chairman, it is all very well for a gentleman to consider the lush pastures of Kansas or Missouri or even of Maryland, and then attempt to compare them with the sparser forage of forest reserves, a considerable portion of which may be above timber line, a large portion of which is likely to be so steep and rocky that a goat can not climb the hillsides, and portions of which may be so inaccessible that it is exceedingly difficult to reach the pasture grounds. The areas of forest reserves that afford grazing are so varied in their character that they afford grazing all the way from 30 days to 12 months in a year. Parts of some of them are so remote, so difficult of access, that it requires from a week to a month for the flocks or herds to reach them, and a month to return home, necessitating the careful guarding of flocks and herds to prevent destruction by predatory wild animals. In many reserves there is the danger of an early fall or late spring snow that is liable to kill or greatly injure stock.

Now, I hope the gentlemen of this committee will visit the forest reserves. I hope they will go upon them and that they will learn of their character and of the conditions under which men utilize them, and that, having done so, if they think there should be any limit or any modification of the discretion of the Secretary, they will bring in a bill in the usual way, providing for such limitation or modification. Gentlemen, it is a peculiar and interesting thing that from the national forests—mark the words national forests—covering upward of 160,000,000 acres of land, the receipts from grazing are nearly double the receipts from the sale of timber. That in itself would, it seems to me, very properly suggest to the members of the Agricultural Committee not that they investigate the question of the grazing fees but that they investigate the question of the use and the sale of the timber taken from these great forest areas.

Mr. SNELL. Will the gentleman yield?

Mr. MONDELL. I yield.

Mr. SNELL. Do they not change the value of the stumpage on public lands occasionally?

Mr. MONDELL. I imagine they do occasionally, and they do change the grazing fees on grazing lands of the reserves, and they have changed them very recently. As a matter of fact, they have nearly doubled them in a year.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. As a matter of fact, they have nearly doubled them in the last year, and while the fees from grazing have been nearly doubled, as I recall, in the last year or two, the fees arising from the sale of timber from 150,000,000 acres of forest reserves have remained practically stationary. We still continue to receive from the forests twice the amount of money for the use of the grass that we do from the sale of the timber.

Mr. SNELL. Will the gentleman yield for another question?

Mr. MONDELL. Yes; I will yield.

Mr. SNELL. Is that because they do not cut the timber or because they sell it for less than it is worth?

Mr. MONDELL. I am perhaps unlike some people. I try not to jump at conclusions.

The forest reserves extend all the way from Arkansas to the confines of the Bering Sea. I have not been over all of them. I do not know the conditions on all of them. I do not pretend to say whether there should be more sales of timber or whether the sales that are made should be at a higher price. I would not pretend to say without having made an examination. And so I suggest that gentlemen should not pretend to say without careful examination that grazing fees, from which we are now getting nearly \$3,000,000 as against the little more than half that amount for timber, are only one-third or one-half of what they ought to be. I know many of these forest reserves. I have been over a number of them, and I know their character, and yet I am not prepared to say whether or not these fees are as high as they ought to be, and I would

not pretend to say unless I had made a careful examination of the matter.

I still remember a man in my State who declined to accept an opportunity to graze his flocks on the lands of a national forest without any payment at all, because he said that the wild beasts were so dangerous that he could not afford to take his flocks there without the protection of fires by night, and there was no timber to build signal fires to protect his stock. He said he would have to haul timber so far in order to build the guard fires necessary to protect his flocks that he could not afford to graze even where no fee was charged.

Mr. SNELL. Mr. Chairman, will the gentleman permit one more question?

Mr. MONDELL. In a moment. My time flies.

Mr. SNELL. I will ask that you have more time.

Mr. MONDELL. I will be glad if you will.

Mr. SNELL. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from Wyoming may proceed for five additional minutes after the expiration of his time. Is there objection?

There was no objection.

Mr. SNELL. As I understand from the chairman of the committee, one of the things they had in mind was to revalue these leases and see if they were getting all from the grazing privileges that are necessary.

Mr. MONDELL. As a matter of fact, that is just what the Secretary now does.

Mr. SNELL. Has the gentleman any objection to that?

Mr. MONDELL. Not at all. That is exactly what the Secretary is doing.

I recall that my local newspapers, as I scanned them last summer, contained many notices of meetings here and there in the vicinity of the forest reserves of the forest officers and the men who used the reserves. Stockmen and farmers and ranchmen came from miles around and met the forest officers and went over the reserves with them, and the whole question was thrashed out, and after full and free discussion on the ground, out of knowledge and understanding, the grazing fees were fixed, and they are being so fixed from time to time. Over a great portion of this area the fee has been raised in the last year, and, as I understand, the receipts within the last year or two have practically doubled.

Now, if in the opinion of the committee the department is not raising the fees fast enough and the committee can not go to the reserves, may I suggest to the committee that they call here the stockmen, the farmers who use the forests, a few from each locality—call them here some time and go over the matter with them carefully? It would be better if the committee could visit the reserves. I wish they might. I am sure all these gentlemen would enjoy getting out on the hurricane deck of a mountain bronco and going over those rugged mountains. They would see scenery such as never before blessed their view, and they would become familiar with the conditions under which the herders and flock masters and stockmen of that section utilize grasses which, if they were in this part of the country, would be going to waste. Why, gentlemen of the Committee on Agriculture, let me suggest this to you, that instead of being too much worried about what some one is paying for the use of a spear of grass away over yonder near timber line, many miles away from the nearest settlement on a forest reserve, the committee investigate the question why, over here in Maryland and over yonder in Virginia and the surrounding States, there are hundreds of thousands of acres accessible to settlement, with farms all around them, where the grass is not utilized at all.

Mr. BLANTON. Mr. Chairman, will the distinguished leader of the majority yield for a question?

Mr. MONDELL. I yield, but my time flies.

Mr. BLANTON. Is not the gentleman afraid, if his suggestion is carried out, that it would end in a very expensive junketing trip?

Mr. MONDELL. No. I do not think it would cost too much. I do not think it would be a junketing trip. I have never considered trips by Members of Congress to scenes of Federal activity, to see the results of congressional appropriations, were junketing trips. I regret there are not more of them. I have not known of one of them that was not helpful and beneficial to the public service. The trouble is we are compelled to sit here and hear witnesses from a distance and take their ex parte statements and legislate more or less in the dark. I wish we had vacations long enough every summer to enable us to get about over the country and keep posted with regard to what Uncle Sam is doing and not be compelled to sit down at committee tables and take the word of departmental officers

in regard to matters or the ex parte statements of interested witnesses.

The CHAIRMAN. The time of the gentleman from Wyoming has again expired.

Mr. MONDELL. Mr. Chairman, I ask that I may have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MONDELL. I suggest to the committee that they go into this subject, and go into it carefully, and then I shall be perfectly content with their judgment, whatever it may be. I am suggesting that this is not the way to do it. The gentleman from Iowa [Mr. HAUGEN] has just presented an amendment which proposes to put under the control of the Department of Agriculture all of the unentered public lands. In other words, it is a proposal to establish a leasing system on the public domain. Well, in one guise or another we have had that proposition presented to us ever since I can remember, and I always have been against it, and I expect to continue to be against it. As a boy I lived in northwestern Iowa on a homestead, and a mile beyond our home the prairie stretched away uninhabited for 60 miles to the Big Sioux River. There were counties without an inhabitant; and while these areas were settling the people there used the grasses, and Uncle Sam did not attempt to collect anything for the use of them. It was such a use as was helpful in the development of the country.

Later, as the remaining areas became more or less of a semi-arid character, gentlemen began to say, "Let us have a lease law." And who wanted the lease law? Was it the settler who was coming in and establishing his home and a farm? Never. The big cattle barons, the big sheepman—good folks, splendid folks—they have done a mighty work in the development of that western country, and they are doing a mighty work yet. They have helped feed the Nation and they have utilized resources which but for them would have gone to waste. Taking all that into consideration, we had to look out for the settler who was coming. We had to look out for the man who would eventually make a home on the land, the man who would cultivate it, if it was fit for cultivation.

Our aim always has been to have every acre that is suitable for cultivation, with or without irrigation, turned with a plow and made to yield more, much more, than it would yield in its natural state.

We may have carried that idea too far. We may have invited people into areas where it is difficult to make a living by farming. There is only one way of testing it out. There is only one way in which it has ever been tested out. That is by having settlers try it. I have seen whole counties in the State of Kansas with scarcely a settler. I once helped to build a railroad in Kansas, in what is now one of the best parts of Kansas, 45 miles long, and the whole distance was across abandoned homesteads and across lands dotted with deserted sod houses; there was not a settler left except at the little towns at either end. There had been grasshoppers and drought, and they had all gone back to their wives' folks in Missouri or elsewhere. The railroad was built, some of the original settlers came back or new settlers took their places, and finally they conquered the desert, and if you were to ask any Kansas man about it who has not lived there long he would scout the notion that there ever was any question about that being a good farming country. Yet I have seen it when it was abandoned as a farming country. We have had to retain these areas for the farmer, for the coming home builder, and we could not retain them for him if we crystallized them into great feudal leases, even under the best-guarded law.

Now, we may be reaching a time when there are some areas here and there so clearly impossible of reclamation, so definitely permanent grazing lands, that it may be wise, carefully and judiciously, to arrange some way for their leasing; but we will have to be very careful that we do not tie them up in great leaseholds, lands that may have a future of greater usefulness against the day when somebody will be found energetic and forceful and intelligent enough to find some way to make them useful as cultivated areas. So I say to my friends that while this proposal looks well on the face of it, it has many sides. We of the West who have hoped for its development and who have watched it grow, who have seen the frontier recede back from the eastern Kansas line until there is no longer a frontier, do not desire to see land which can be utilized for homes withheld for other purposes. [Applause.]

Mr. RUBEN, Mr. TINCER, and others addressed the Chair.

Mr. MANN of Illinois. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. The regular order is the disposition of the reservation of the point of order.

Mr. RUBEY. I hope the gentleman will not insist on that now.

Mr. HAUGEN. There are several gentlemen who want to speak.

Mr. MANN of Illinois. We have not moved a line in the consideration of this bill, and we have got to go on with it just a little, anyway. I ask for the regular order.

Mr. HAYDEN. Under the circumstances I must insist on the point of order.

The CHAIRMAN. The gentleman from Arizona makes the point of order. Does the gentleman from Iowa [Mr. HAUGEN] desire to be heard on the point of order?

Mr. HAUGEN. No. I concede the point of order, but I believe these gentlemen should have an opportunity to be heard for a few minutes.

The CHAIRMAN. The Chair sustains the point of order.

Mr. RUBEY. I move to strike out the last word, Mr. Chairman.

Mr. MANN of Illinois. I make the point of order. Let the gentleman discuss the item of the bill.

Mr. RUBEY. I move to strike out the section that relates to leasing. I move to strike out the last word.

Mr. MANN of Illinois. There is no last word, Mr. Chairman.

Mr. RUBEY. I move to strike out the paragraph.

Mr. MANN of Illinois. What paragraph?

Mr. RUBEY. The paragraph last read.

Mr. MANN of Illinois. We have disposed of that.

The CHAIRMAN. An amendment was offered to the paragraph beginning with line 1 on page 35.

Mr. MANN of Illinois. Oh, no; the gentleman offered his amendment as a new paragraph. It had no relation to the last one.

The CHAIRMAN. The gentleman from Illinois is correct. The Chair is informed by the Clerk that the last amendment offered was to follow line 8 as a new paragraph. Therefore there is no paragraph before the House. The Clerk will read.

The Clerk read as follows:

Missoula National Forest, Mont., \$15,212.

Mr. RUBEY. Mr. Chairman, I move to strike out the last word. In that connection I want to say that I have listened to the speech made by my friend the gentleman from Wyoming, in commendation of the western country, with a good deal of interest. His speech proves the truth of the prophecy I made the other day.

Mr. MANN of Illinois. I make the point of order that the gentleman is not addressing himself to the proposition before the House.

Mr. RUBEY. I moved to strike out the word "Montana." That is the last word.

Mr. MANN of Illinois. That has nothing to do with it.

Mr. RUBEY. I am talking about the gentleman from Wyoming [Mr. MONDELL], who comes from a neighboring State.

Mr. MANN of Illinois. I shall not insist on the point of order for five minutes, and that will allow the gentleman from Missouri [Mr. RUBEY] to be heard; but I give notice that I will insist on the point of order hereafter if this discussion is to be continued. What is the use? The gentleman introduced something that had no place in the bill, and we have not moved a line. I am not willing to stay here until next August to let gentlemen produce hot air.

Mr. RUBEY. As the gentleman knows, I have not taken up very much time in this discussion, and I would not take up any time now if it had not been for the fact that just a day or two ago, when we had before this House a proposition providing for the appropriation of a large sum of money to take care of the hog growers of the country, the gentleman from Wyoming [Mr. MONDELL] came onto the floor of the House and made a very ardent speech in advocacy of a decrease of \$100,000 in that appropriation. I said then to the House that it would not be very long before the gentleman from Wyoming would be here opposing legislation that happened to affect the people of the West. Now, the Committee on Agriculture proposes a change in the plan of charging for grazing in the national forests—a change that will bring into the Treasury of the United States \$4,000,000 or \$5,000,000 additional every year. The gentleman from Wyoming was very anxious to reduce the hog-cholera appropriation \$100,000 on the theory of economy, but when we want to put into the Treasury fifty times that amount by requiring the people out there in the West to pay a reasonable sum for the use of that grazing land the gentleman from Wyoming comes in here and opposes it. Another thing we desire is that the people who graze their stock upon the public lands of this country, and who are now getting free grazing on those lands, shall be required to pay a reasonable sum for that privilege and thereby put into

the Treasury of the United States every year \$4,000,000 or \$5,000,000.

Not only that, but we want to protect the public land itself. The land is now wild. The cattle are running over it and it is deteriorating every day. The people are allowed to use the land without any restrictions or regulations whatever. They are absolutely destroying the public lands by the unrestricted use of the grazing privileges, and the gentleman from Wyoming objects to our protecting those lands. He not only objects to taking money out of the Treasury, but he also objects to putting money into the Treasury.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. RUBEY. I yield for a question.

Mr. McLAUGHLIN of Michigan. When the gentleman speaks about protecting these grazing lands from destruction, does he know that the public lands outside of forest reservations in some sections have been so denuded of all vegetation and injured by the animals that have grazed over them that there has been such erosion that some of the gentlemen who have spoken in opposition to the position the gentleman is now taking have presented bills to this Congress asking for appropriations of millions and millions of dollars for the construction of reservoirs for the preventing of floods and further destruction caused by or resulting from the very policy which they are now defending and which we are trying to change?

Mr. RUBEY. That is absolutely true, Mr. Chairman, and if the Committee on the Public Lands, who have jurisdiction of this matter, would bring in a bill and give this Congress the opportunity to vote on it, there is no question what would happen. A number of bills have been introduced. Bills are pending before the Public Lands Committee to-day providing for a charge for grazing privileges upon the public lands, and yet the House gets no opportunity to vote upon them.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. RAKER. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. RAKER. I want to oppose the motion to strike out. I agree heartily with what the gentleman from Iowa said—

Mr. MANN of Illinois. I make the point of order that the gentleman is not discussing his amendment. I hope the gentleman will let us make a little progress before this subject is reopened.

Mr. RAKER. I just want to say this—

Mr. MANN of Illinois. I ask that the gentleman be reasonable and let us make a little progress.

Mr. RAKER. I want to say this—

Mr. MANN of Illinois. It appears that the gentleman is not willing to be reasonable about anything.

Mr. RAKER. That is unjust, unkind, and unmerited, and the gentleman knows he has no right to say it. There is no need of his volunteering those statements, and I have got tired of it, even if he is an old man.

Mr. MANN of Illinois. I am not so old but that I am perfectly well able to take care of myself.

Mr. RAKER. I know you are able, but you do not use very good judgment in using your ability.

Mr. MANN of Illinois. The gentleman is not only out of order but out of temper as well.

The CHAIRMAN. The gentleman from Illinois makes the point of order that the gentleman from California is not discussing the amendment. The point of order is sustained.

Mr. RAKER. I move to strike out the section. I hope the Chair will permit me to proceed in order. I have not taken any occasion to interject remarks without addressing the Chair, but I have submitted to it repeatedly.

Mr. MANN of Illinois. I make the point of order that the gentleman is not discussing the amendment he proposes.

The CHAIRMAN. The gentleman from Illinois makes the point of order that the gentleman from California is not discussing the amendment he proposes. Thus far the gentleman from California has not discussed his amendment, and the Chair is compelled to sustain the point of order.

Mr. RAKER. I was not discussing the point of order. I told the Chair I was not going to discuss the point, but I ask unanimous consent that I may proceed upon the subject under debate, on the Forest Service, for five minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent that he may continue for five minutes. Is there objection?

Mr. MANN of Illinois. Reserving the right to object, I have no objection whatever to the gentleman from California expressing his views on this subject, if he will wait until we read a little way into the bill. We have not done anything on the

bill at all. I wanted to make a speech upon the subject myself, but I have refrained from doing so, and I hope other gentlemen will follow that example.

Mr. RAKER. While the gentleman is reserving the point of order—

Mr. MANN of Illinois. Oh, let it go for a little while.

The CHAIRMAN. Is there objection?

Mr. MANN of Illinois. I object.

The Clerk read as follows:

Arapahoe National Forest, Colorado, \$5,736.

Mr. RAKER. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent that I may proceed for five minutes.

Mr. MANN of Illinois. Which item was read?

Mr. RAKER. The last one that we read, right after the California item.

Mr. MANN of Illinois. Oh, I suggest the gentleman wait until we reach the bottom of the next page. If we read a page or two a day, I will not object to some discussion.

The CHAIRMAN. Does the gentleman from California prefer a request for unanimous consent?

Mr. MANN of Illinois. I suggest to the gentleman that we wait until we read another page.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to proceed for five minutes on the conduct of this forest and other forests of like character.

Mr. CANDLER. Mr. Chairman, a few moments ago the gentleman from Wyoming—

The CHAIRMAN. The Chair will ask the gentleman to suspend until he can put the request for unanimous consent. The gentleman from California asks unanimous consent to proceed for five minutes upon the conduct of the forest in Colorado and other forests, line 18. Is there objection?

Mr. MANN of Illinois. Mr. Chairman, I object.

Mr. RAKER. Mr. Chairman, I move to strike out the item and discuss the question of forestry.

The CHAIRMAN. The gentleman from California moves to strike out the paragraph.

Mr. RAKER. Mr. Chairman, I want to call the attention of the committee to forests of this kind and to say that there is not ordinarily a great deal of timber in many of them, and that the collection of the fees on the forests is on the grazing land outside of the timber lands. As an illustration, you will find undoubtedly in this, and in many other forests, that where the timber occurs—that is, actual timber—there is but little land for grazing. It is unfortunate that the Committee on Agriculture does not appreciate that fact. The forests in the East are entirely different. There the grass grows and there is forage all the time of high quality and of large quantity. The fee comes from the balance of the forest lands upon which there is practically no timber, but a great deal of it is withdrawn for water and watersheds. While we are not necessarily objecting to that, the homesteader adjoining the forest reserve gets some benefit in the little grazing there is there. By virtue of this they have built up that country, and as I started out to say, and I hope I will not be prevented from saying it, I want to agree, and do agree, with what the gentleman from Wyoming [Mr. MONDELL] has said upon this subject. The criticism of the gentleman from Missouri [Mr. RUBEY] of the gentleman's statement is unjust, and is not borne out by the facts. I say it, and I say it unhesitatingly, that the committee while on the subjects with which they are familiar are doing nicely, but they are not familiar with this subject. They do not know what these people have gone through, what they are doing and the value that they have added to this country. The general purpose of the committee now seems to be to do away with all of the remaining public lands so that it will not be settled. I know, and the gentleman from Wyoming knows, what the situation out there is. As a boy I have ridden over that land for many miles, at times hundreds of miles, 50 and 60 miles, and 40 years ago there was practically no stock in the country, no grass growing upon it.

They say that by virtue of using it erosion has occurred and that it has been washed away. They do not know anything about it. They have not had any experience. The farmer there is developing it and making it a good part of this country, and building up a good citizenship all over the West. On that land that appeared to be an absolute desert they have gone 10 and 15 and 20 and 100 and 200 miles and brought in the water, and to-day you will see prosperous homes scattered all over there—houses, stock, alfalfa, horses, cattle, and sheep, all of which is a credit to any civilization. I am getting tired of this bickering and talking about what these western people are doing, and the fact that these lands should be put into a cow pasture. It

is all nonsense, and it would not be heard upon the floor of this House if the men knew the facts and had the experience that these men in the West have had and know what they have done in regard to it.

Mr. CANDLER. Then the gentleman would agree with the suggestion made by the gentleman from Wyoming that the Committee on Agriculture ought to go out there and look at it?

Mr. RAKER. I would; and I want to say that for four years the Committee on the Public Lands have had this up before them, and they have had witnesses from all over the country, and every time they have unanimously turned it down they have agreed that the West should not be turned into a cow pasture, but should be left open for homesteaders. Under the last bill that came from the Committee on the Public Lands 80,000 homestead applications have been filed on that public domain, and they are assisting in building up their homes and improving the country. That is what is being done. I am in favor of grazing, but I am opposed to so tying up the remaining public land that the homesteader will have the same trouble in obtaining homesteads on that public domain that he has been having during the last 10 years in regard to the forest reserve. We want proper grazing, but still do not want to restrict homesteading. They should both go on in a proper method.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The amendment was rejected.

The Clerk read as follows:

Wyoming National Forest, Wyo., \$5,089.

Mr. ANDERSON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 44, line 9, insert a new paragraph, as follows: "The foregoing appropriations for specific national forests shall be reduced by 20 per cent as to each of such forests in which the fees for grazing shall be less than the appraised value of such grazing, as determined by the Secretary of Agriculture."

Mr. HAYDEN. Mr. Chairman, I make the point of order that this amendment is again an attempt to legislate upon an appropriation bill under the guise of a limitation.

Mr. ANDERSON. Mr. Chairman, I will not attempt to again cite the decisions upon questions of similar character. I direct the attention of the Chair to the fact that the Congress might very well desire to make the amount of the appropriations carried for each of these national forests dependent upon the receipts for grazing in such forests, and that is exactly what this does. It is not directed to the discretion of the Secretary at all. It simply says that in any forest where the charges are less than the appraised value, as determined by the Secretary of Agriculture, there shall be 20 per cent less appropriated or used than is carried in the bill. That is not directed to the discretion of the Secretary; it is the action of Congress. The Congress might very well in the exercise of its legislative discretion determine that in a national forest where the charge for grazing was less than the appraised value of such grazing it desired to expend less than is carried in another forest where the charge is equal to or greater than the appraised value, and that is all that is provided by this amendment.

Mr. MANN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. MANN of Illinois. As to the form of the gentleman's amendment, I understood the amendment undertakes to say that the amount of the appropriation is reduced.

Mr. ANDERSON. Yes.

Mr. MANN of Illinois. We make the appropriations and we fix the amount. The amount is not reduced. The gentleman's amendment can not reduce the amount. I suppose what the gentleman means is that the amount of the appropriation which shall be expended shall be 20 per cent less than the amount of the appropriation unless certain things take place. For myself, I do not see why that would not be in order, but I doubt whether the amendment as it reads will amount to anything, because, as I understood it, it undertakes to reduce the appropriation by saying so, and that is not the intention at all, and that is not what it does.

Mr. ANDERSON. That may be true. What I am trying to do is to offer a limitation which is in order, and I have drawn the language with that idea in mind. Whether it is properly expressed or well expressed, of course, is another question.

Mr. MANN of Illinois. I was trying to get at the form of the amendment, first, and whether it was in order; and, second, whether it should be agreed to.

Mr. HAYDEN. Let me direct the attention of the Chair to the fact that under section 5 of the act of February 1, 1905, Congress has provided that all moneys received from the sale of

any products or the use of any land or resources of said forest reserves shall be covered into the Treasury of the United States. So that when the gentleman from Minnesota says that Congress may now desire to provide that the receipts from the national forests shall be devoted to other uses he is met by the fact that Congress has already expressed an opinion as to what shall be done with such funds, and he can not now by indirection change the existing law.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. HAYDEN. Certainly.

Mr. GREEN of Iowa. How does this change the law? The Secretary has the same power as before. He can go ahead and fix the rates, if he wants to do so.

Mr. HAYDEN. The Secretary of Agriculture now has full power to fix the grazing rates.

Mr. GREEN of Iowa. And he would have even if this amendment were adopted.

Mr. HAYDEN. He would not. If this amendment were adopted, the Secretary must fix the rates on the appraised value of the grazing. At the present time he has authority to fix the grazing fees by competition at public sale to the highest bidder. He may base the grazing charge on the price charged for adjacent lands or on any other factor which he sees fit to consider. But under this amendment he must appraise the value of the grazing privilege and by that method alone fix the charge.

Mr. GREEN of Iowa. The gentleman is entirely in error. This does not tell the Secretary to do anything. He can do as he wants to, absolutely, but if he does it in a certain way only a certain amount of this appropriation will be expended. He still will have the power, if this amendment carries, to do all those things the gentleman has stated. It does not restrict him in any way whatever; it does not take away his power or say that he shall not have power to do what he is doing now. It simply provides that this appropriation shall be reduced, and I think, as the gentleman from Illinois states, that part of the amendment ought to be modified in order to bring about the effect desired by the gentleman from Minnesota. It simply states that this appropriation should be reduced if the Secretary does these things, but it does not say he shall not do these things or that he shall do them in a particular way.

Mr. HAYDEN. This amendment seeks to exercise compulsion on the Secretary of Agriculture by indirection and force him to do something he is not now compelled to do under the law.

Mr. MANN of Illinois. That is the case under any limitation—to tell him to do something or not to do something.

Now, Mr. Chairman, I do not know whether the Chair is of the belief that the rulings which he made heretofore would decide a point of order on this amendment or not. Under the limitation it is not competent, generally speaking, to do indirectly what can not be done directly and to require a department official to do something not now authorized by law. And it has frequently been held also that under the guise of a limitation in many cases you can not affect the discretion of the department. On the other hand, it is quite within the power of Congress to say that it will appropriate \$10,000 for a certain purpose, no portion of which shall be paid to a red-headed man or no portion of which shall be paid to any but a red-headed man. That, in a way, affects the discretion of the head of the department. We can make the appropriations with such limitations as we please, which are mere limitations. Now, this amendment proposes that only 80 per cent of the appropriation can be expended in a national forest where the appraised value of the grazing land is not charged. That is a pure limitation on the expenditure of the money. The Secretary of the Treasury has full discretion left in his power to charge what he pleases for the grazing lands under his power and to make regulations for the disposition of the lands. But this amendment only provides he shall not expend more than 80 per cent of the amount appropriated unless a certain condition of affairs exists. That may not be the exact language of the amendment, but that is the purpose of it, and I presume will be the amendment that will be offered if this is not in order.

Now, we can say clearly that no portion of the money shall be expended on a national forest if any of the timber thereon shall be cut during the fiscal year. It is plainly within our jurisdiction. We can say a great many different things in the form of limitations on the expenditure of money. We are not required even to make an appropriation for the maintenance of national forests. We can strike out the item entirely if we wish to do so.

Of course we can not, under the guise of a limitation, direct the Secretary of the Interior to do something the law does not provide for, or which he is not required to do, but we can say he shall not have the money unless a certain condition there

arises, and we may say very reasonably that we do not wish to make this appropriation to be expended in the full amount under certain conditions, because we expect these forests to remunerate for their own expenditures. That is a limitation within our discretion, in my opinion.

The CHAIRMAN. Will the gentleman from Illinois permit an inquiry?

Mr. MANN of Illinois. Certainly.

The CHAIRMAN. The language of the amendment is that the foregoing appropriation for a specific national forest shall be reduced by 20 per cent, and the Chair would like to ask the gentleman from Illinois if that is a reduction in appropriation or retrenchment of expenditure?

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent to withdraw the amendment and offer another in lieu of it.

Mr. MANN of Illinois. I confess I can not answer the inquiry of the Chair.

The CHAIRMAN. The gentleman from Minnesota [Mr. ANDERSON] asks unanimous consent to withdraw the amendment. Is there objection?

Mr. MONDELL. Mr. Chairman, of course these are all subject to a point of order. Everybody is good-natured here, and everybody is perfectly willing that this Agricultural Committee shall spend all summer over an amendment to their own bill, and, of course, we shall not object to any amendment they may offer, or any modification or change they may desire in any amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota [Mr. ANDERSON]? [After a pause.] The Chair hears none. The amendment is withdrawn.

Mr. ANDERSON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ANDERSON: Page 44, line 9, add a new paragraph, as follows:

"That of the foregoing appropriations not more than 80 per cent shall be expended in any national forest in which the fees for grazing shall be less than the appraised value of such grazing as determined by the Secretary of Agriculture."

Mr. HAYDEN. Mr. Chairman, I make the same point of order that I made against the former amendment, because the object sought to be accomplished is the same, that is, that under the guise of a limitation and a reduction in appropriations the gentleman from Minnesota is seeking by his amendment to interfere with the discretion now lodged in the Secretary of Agriculture by existing law with respect to fixing the grazing fees on the forest reserves.

The CHAIRMAN. Will the gentleman from Arizona permit an inquiry?

Mr. HAYDEN. Certainly.

The CHAIRMAN. Does the gentleman find anything in this amendment which would preclude the Secretary of Agriculture from spending 100 per cent of the appropriation made?

Mr. HAYDEN. Certainly. In order to expend 100 per cent of the appropriation made the Secretary of Agriculture is required to do something that he is not now compelled to do under the existing law, and thereby the amendment interferes with his discretion. The Secretary must, before he can spend 100 per cent of the appropriation, make an appraisal of the grazing values upon any and all of the national forests. Otherwise the appropriation will be reduced 20 per cent. What is the primary purpose of the appropriation? It is to protect the national forests from fire and from trespass, to guard and protect public property consisting of timber worth millions of dollars. The adoption of such an amendment will seriously interfere with the ability of the Secretary of Agriculture to protect the national forests by reducing the sums available for that purpose, as estimated for by the department and allowed by the committee, because unless and until the Secretary shall take affirmative action, as directed by the amendment, and appraises the grazing values, all of the money appropriated will not be available for use in the manner intended. There can be no dispute about that; so it is apparent that this limitation is an attempt to legislate on an appropriation bill which is contrary to the rules of the House.

Mr. MONDELL. Mr. Chairman, this amendment is similar to the amendments that have already been offered. The gentleman from Minnesota [Mr. ANDERSON] has exercised a good deal of ingenuity in attempting to get around the decisions of the Chair, that you can not, under the guise of a limitation, either change existing law or take from the discretion of an administrative officer.

What if this amendment should provide that "no part of the money should be used unless and until," and so forth? That

would be a change of existing law, clearly. I do not think the gentleman who offers this amendment would deny that such an amendment would be a change of existing law.

You do not change the character of the amendment by providing that only a certain part of the appropriation shall be used except under a change of law or rule relative to fixing of grazing fees. Under the guise of a limitation on the use of the money, the attempt is made to change existing law relative to the fixing of grazing fees. That is exactly what is attempted to be done, an attempt to change the law relative to the fixing of grazing fees, to establish a new rule for the fixing of grazing fees. The rule now is that they shall be what the Secretary shall determine, using his discretion. This amendment says they shall be fixed on a certain basis; they shall amount to the estimated value, and so forth. That is a change of law. The situation is in no wise modified, changed, or affected by reason of the fact that the character of the limitation is modified somewhat. It is the same old attempt to change the law and the rule under which grazing fees are fixed, and to do it under the guise of a limitation.

Mr. MANN of Illinois. Mr. Chairman, certainly no one will deny that it is in our power to reduce all these appropriations 20 per cent in making them. Instead of providing for \$5,089 for the Wyoming National Forest, Wyo., we could cut off 20 per cent of that amount. No one denies that.

Now, we can say that we appropriate 20 per cent less. Then we could have said that we appropriate 20 per cent, provided it is raised out of additional money collected. Maybe we could not do it in that way; but here is in effect what this amendment does: It proposes to say by way of limitation that 80 per cent of this appropriation may be expended, and then the other 20 per cent may be expended if certain fees for grazing are fixed upon a certain basis. We may think in making that limitation that this national forest shall contribute something to the Federal Treasury for the purpose of helping to pay its expenses. We simply say by the amendment that 20 per cent, practically, of the appropriation shall not be expended unless a certain limitation is agreed to and lived up to.

If we can not put that kind of a limitation in, I do not know what kind of a limitation that is a limitation you can put on any bill. This does not direct the Secretary to do anything that he is not authorized to do. It does not require him to do anything at all. He can do as he pleases about it.

The CHAIRMAN. Will the gentleman permit an inquiry?

Mr. MANN of Illinois. Certainly.

The CHAIRMAN. If the Secretary acts upon the limitation, which is put in by the proposed amendment, would the gentleman understand that he can then expend the 100 per cent of the amount appropriated?

Mr. MANN of Illinois. I so understand it.

The CHAIRMAN. And that does not retrench expenditure. Does the limitation retrench expenditures?

Mr. MANN of Illinois. A limitation has nothing to do with the matter of limiting expenditures. Any limitation would be in order that directly retrenched the expenditures by reducing the amount carried in the bill. That has not been attempted. That limitation does not come within the terms of the Holman rule, of course, at all. It is a limitation in the appropriation bill, as when we say we give an appropriation "with a string tied to it." That is what all limitations are.

Mr. HAYDEN. If the Chair is inclined to be of the opinion that this limitation would reduce expenditures, permit me to direct his attention to the following statement, which appears on page 15 of the report of the committee on this bill:

Reconnaissance of forest resources (p. 46, line 23): There is an increase in this item of \$25,000. This amount will be required for the necessary estimating and appraising of the grazing resources of the national forests incident to the changed program provided in this bill.

The committee has actually increased the sum of money carried in this bill in order to conduct such appraisals. All moneys received from the national forests are deposited in the Treasury as miscellaneous receipts, and there is no possible way to prove that any part of the funds so received are directly used on the forest reserves.

Mr. MONDELL. Mr. Chairman, if the gentleman will permit me, the statement of the gentleman from Illinois [Mr. MANN] rather emphasizes the fact that this is a change of existing law. He referred to the fact that as to 20 per cent of these appropriations they could not be used unless the Secretary proceeded under a change of law; unless he proceeded to fix grazing fees on a basis not now provided by law, and under a rule not now provided by law. Of course, if he did that his discretion, at least so far as that 20 per cent expenditure is concerned, would be limited.

The CHAIRMAN. The gentleman from Minnesota offers an amendment in the form of a new paragraph, to read as follows:

That of the foregoing appropriations not more than 80 per cent shall be expended in any national forest in which the fees for grazing shall be less than the appraised value of such grazing as determined by the Secretary of Agriculture.

The gentleman from Arizona [Mr. HAYDEN] makes the point of order that that amendment is not in order, because it is in effect legislation which changes existing law.

This proposed amendment, if the Chair understands it, seeks to limit certain appropriations made for national forests which have been set out by name, so that before the amount appropriated in the bill can be used certain fees for grazing shall be fixed by the Secretary of Agriculture at a sum set forth in the amendment, not less than the appraised value of such grazing. Where the fees are less than the appraised value for grazing, as determined by the Secretary of Agriculture, only 80 per cent of the amount appropriated is to be expended on any of our forests.

It seems to the Chair that the amendment proposed is a limitation upon the discretion of the Secretary of Agriculture, as fixed by existing law, and that unless it is plain and clear that the amendment will reduce expenditures or will decrease the appropriations in order to be in order under the Holman rule as an amendment, such an amendment, seeking to limit or modify the discretion and power vested in the Secretary by existing law, would not be in order. This amendment seeks to limit the expenditure to 80 per cent where the fees for grazing shall be less than the appraised value of such grazing, as determined by the Secretary of Agriculture. That is to say, the fees for grazing shall be determined in a particular way, and shall be determined not within the discretion as conferred by existing law. It seems to the Chair that this is such a limitation as is not permissible under the rules and does not come within the provisions of the Holman rule, and the Chair is therefore constrained to sustain the point of order.

Mr. ANDERSON. I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Minnesota appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. ANDERSON. Mr. Chairman—

Mr. MONDELL. Mr. Chairman, I move to lay that on the table.

Mr. CRISP. Mr. Chairman, the gentleman can not do that.

Mr. MONDELL. I realize that.

Mr. ANDERSON. Mr. Chairman, I withdraw the request. I changed my mind when I was on my feet.

The CHAIRMAN. The Chair did not so understand it.

Mr. JOHN W. RAINEY rose.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. JOHN W. RAINEY. To strike out the last three words.

The CHAIRMAN. The Chair thinks the Clerk would have to read before that can be done. The Clerk will read.

The Clerk read as follows:

Additional national forests created or to be created under section 11 of the act of March 1, 1911 (36 Stat. L., p. 963), and lands under contract for purchase or for the acquisition of which condemnation proceedings have been instituted for the purposes of said act, \$76,850.

Mr. JOHN W. RAINEY. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last three words.

Mr. JOHN W. RAINEY. Consistent with a policy heretofore announced by me, I invited my constituents and the owners of industries in my district to call my attention to any criticisms directed against them, saying that if they brought the matter to my attention I would be very glad to present their side of the case to the Members of the House. As a result of that suggestion, I am in receipt of a letter from Mr. L. S. Swift, of Swift & Co., who takes exception to remarks on the floor of this House on February 5 by the gentleman from Texas [Mr. Young] and the gentleman from Kansas [Mr. Tinscher]. I do not want to take up the time of the House, but I ask permission to incorporate this letter in the Record, so that those who are interested and who are not prejudiced may be informed and have the opportunity of reading both sides of the question.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the Record in the manner indicated by him. Is there objection?

Mr. MONDELL. Mr. Chairman, I shall have to object. I do not think we should allow to be printed in the Record a letter

that reflects on Members of Congress or that criticizes them, without knowing what is contained in the letter.

Mr. JOHN W. RAINEY. Then I will be very happy to read the letter.

Mr. MONDELL. I object.

Mr. YOUNG of Texas. I do not object to the gentleman reading it. I would like to have the opportunity to answer Swift & Co.

Mr. TINCHER. If the gentleman will yield, I wish to state that I have no objection to any criticism which Swift & Co. may make of myself.

The CHAIRMAN. Objection is made.

Mr. JOHN W. RAINEY. Without reading the letter, let me say that I have already discussed the contents of the letter with the gentleman from Texas [Mr. YOUNG] and the gentleman from Kansas [Mr. TINCHER]. My desire not to take up the time of the House prompted me to make this request.

Mr. MANN of Illinois. I do not like to interrupt, but I hope my colleague will not compel me to make a point of order. My colleague will have a chance to be heard later, and I hope he will not inject something that will take up the rest of the afternoon.

Mr. JOHN W. RAINEY. There is no disposition on my part to interrupt the proceedings, but I have waited patiently since yesterday afternoon. I do not inflict myself very frequently on the membership of the House, and I really believe I am entitled to some consideration and repeat that my district is entitled to recognition.

Mr. MANN of Illinois. My colleague never inflicts himself. I hope he will allow us to proceed with the bill.

Mr. JOHN W. RAINEY. In view of the gentleman's suggestion I will defer for the present.

The CHAIRMAN. The gentleman withdraws his pro forma amendment. The Clerk will read.

The Clerk read as follows:

In all, for the use, maintenance, improvement, protection, and general administration of the specified national forests, \$2,068,762: *Provided*, That the foregoing amounts appropriated for such purposes shall be available interchangeably in the discretion of the Secretary of Agriculture for the necessary expenditures for fire protection and other unforeseen exigencies: *Provided further*, That the amounts so interchanged shall not exceed in the aggregate 10 per cent of all the amounts so appropriated.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word. The large amount carried by this paragraph, over \$2,000,000, indicates a part of what we are losing on the national forests and a part of what we are losing by our failure to charge a reasonable rental for grazing lands. I very much regret that none of the amendments were found to be in order which would have provided that the appraised value of these grazing lands might be used as a basis of the rental charge. I do not know of any fairer basis that could be taken for that purpose, and I hope the Committee on Agriculture will find time later on to consider a bill on this subject and report it out.

Mr. HERNANDEZ. Will the gentleman yield for a question? Mr. GREEN of Iowa. I yield to the gentleman from New Mexico.

Mr. HERNANDEZ. Does the gentleman contend that this \$2,000,000 used for the administration of these forests is all lost to the Government?

Mr. GREEN of Iowa. Oh, no.

Mr. HERNANDEZ. Does the gentleman contend that we do not return any of this money to the Treasury?

Mr. GREEN of Iowa. Oh, no.

Mr. HERNANDEZ. Some of these forests are paying more than the amount that is expended on them.

Mr. GREEN of Iowa. Some of them are, but only a few of them.

Mr. HERNANDEZ. I know those in my State are doing so.

Mr. GREEN of Iowa. I want to say, for the benefit of the gentleman from Wyoming [Mr. MONDELL], who does not seem to be present just at this moment, that the Members from some of the Eastern States and the Central States are not so ignorant with reference to the character of these grazing lands as the gentleman seems by his remarks to indicate. I have ridden hundreds of miles over some of this land that is used for pasturing these cattle. Contrary to what the gentleman from California has stated, I have seen, right in some of these forests, the finest pasturage that I ever set my eyes upon; wild oats and wild grasses of various kinds, which afforded the most luxuriant feed I ever saw and best adapted for the growth of cattle. I do not know why a reasonable rental should not be paid for this grazing. The persons who are using these lands are mostly large owners of stock, some of them worth millions of dollars, and they might well pay the reasonable appraised value of these lands. For some reason they have shown no disposition to do that, but, on

the contrary, they have shown a disposition to exclude the small holders, the man who owns a few head of stock, and to keep him off of these lands entirely. I regret to say that even seems to be the desire of the agents of the Department of Agriculture, because it is easier to handle these lands when they are occupied by big herds than when they are occupied by many small ones. But possibly if we had a fair appraisal of these lands the small holder, the man with only a few head of stock, would get somewhere near what is his due, because he could probably better afford to pay it than the big man. I hope the Agricultural Committee will take up this subject at the proper time and report a bill to the House.

Mr. TINCHER. Mr. Chairman, I move to strike out the last two words. I do so for the purpose of addressing the committee on an entirely new subject, namely, the grazing of the national forests. Perhaps members of the Committee on Agriculture have not traveled over the national forests as much as some gentlemen would like to have us do, but there are some things of which we are aware. One is that we are appropriating Government money to fence the forests for pastures. Another is that we have been appropriating money from the United States Treasury to make surveys of the different forests, to ascertain how many acres are necessary for pasturing cattle. We are aware that the Government has received for the last two years only about 10 per cent of the value of these forests for the pasturage of these animals. I do not have to go out to your national forests and look them over to know what kind of pastures you have there. When I buy your cattle from those forests and receive them at my home and see them on the market, I know what kind of a pasture the Government is furnishing. I know also that you have the safeguard of a surveyor to find that you get the required number of acres in that locality, to see that your animals get the proper pasturage, and that this Government appropriates money to fence the pastures for you.

Now, I agree with my friend RUBEN, from Missouri, that it is rather far-fetched for men from Arizona or any other part of that territory to come here and fight the stopping of this leak in the Treasury. I want to compliment the chairman of this committee [Mr. HAUGEN] upon his position in fighting this leak.

Mr. BLANTON. Will the gentleman yield?

Mr. TINCHER. Not now. I have something I want to say. I will yield later. Some gentleman on this floor the other day asked if the chairman of the Committee on Agriculture was a friend of the farmer.

I want to say to you that he is not only a friend of the farmer but he is a friend of the producer and a friend of the consumer. Why, gentlemen, he is a statesman, because he is trying to stop a leak in the Federal Treasury. [Applause.] And he is going to stop it. We may need a rule, we may not be able to stop the leak with a cotton plug, but we are going to stop this \$6,000,000 leak in the Treasury, caused by the lack of proper return for the pasturing on the national forest reserves. I hope there is no feeling over this matter. To-day ought to be a joyous day in our history. To-day is the first day in the history of our great Nation that Mr. Pinchot has congratulated the floor leader on our side on his attitude toward conservation. To-day, my friends, is a great day for the public. I want to congratulate the gentlemen on the Democratic side of the House to-day for having had the foresight and the courage and the manhood and the Americanism to throw off the yoke last night, and to declare yourselves for America and against compulsory military training. [Applause.] Thus, you have said to the public and to the world in general, "We refuse to follow the General Staff. We ignore the advice of Baker. We set aside the letter of the Chief Executive, and we decide to follow that great leader, Mr. MONDELL, on the question of compulsory military training. [Applause.] To-day is a day when we all ought to be happy, and I congratulate you. I have a personal pride in this, because my colleague [Mr. ANTHONY] from my State, a member of the Committee on Military Affairs, has been making this fight, and now you have agreed with him, and you have decided, over the protest of the Chief Executive, to back him up in his effort to prevent the Prussianizing of the American Army, and to stand for America. So I say to-day ought to be a day of general rejoicing. I congratulate you on the new leadership that you have voluntarily adopted by your vote last night in conference.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. I yield the floor.

The Clerk read as follows:

For the selection, classification, and segregation of lands within the boundaries of national forests that may be opened to homestead settlement and entry under the homestead laws applicable to the national forests; for the examination and appraisal of lands in effecting exchanges authorized by law and for the survey thereof by metes and bounds or otherwise by employees of the Forest Service under the direction of the

Commissioner of the General Land Office; and for the survey and platting of certain lands, chiefly valuable for agriculture, now listed or to be listed within the national forests, under the act of June 11, 1906 (34 Stats., p. 233), and the act of March 3, 1899 (30 Stats., p. 1095), as provided by the act of March 4, 1913, §87,000.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I move to strike out the last word. It is under this appropriation that some of the difficulties so eloquently spoken of by the gentleman from Wyoming [Mr. MONDELL] are sought to be overcome. It is true that in laying out national forests, in some of them originally, areas not strictly forest lands were included. The limits included lands more suitable for agriculture than for forestry. That was early realized, and money was provided for the employment of men to investigate just such conditions and for setting aside from the national forests lands more suitable for agriculture. As a result of this kind of work millions of acres have been eliminated from the national forests proper and have been made subject to homestead entry; millions of acres have actually been settled by homesteaders. The work is going on, other areas will be eliminated, and later they will be taken up and settled. It is to be hoped that this appropriation will be continued, so that the disagreeable situation, unfortunate on account of the haste in which the forests in the first place were laid out, may be speedily remedied.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. TILSON. Although additional new duties seem to be imposed by this paragraph, nevertheless the amount has been decreased. What is the explanation for that remarkable fact?

Mr. McLAUGHLIN of Michigan. I have not the figures before me showing just what the reduction is.

Mr. TILSON. It is \$20,000. We find this language:

For the survey thereof by metes and bounds or otherwise by employees of the Forest Service under the direction of the Commissioner of the General Land Office.

That is new language.

Mr. HAUGEN. That is new language, but is suggested by the two departments, and it is made in accordance with the law to save the survey by the other department.

Mr. TILSON. I wondered whether there were additional duties imposed, with a reduction in the item.

Mr. HAUGEN. No; we simply agreed that it might be legally done without a duplication of work.

Mr. WINGO. Mr. Chairman, I rise in opposition to the amendment. In the few short months that I have had the privilege of enjoying the companionship of the distinguished Chesterfield, the statesman and farmer from the sand dunes of Medicine Lodge, the gentleman from Kansas [Mr. TINCER], I have learned to appreciate him very much, but never more than I did a few moments ago, when he assumed the rôle of speaking for the Republican Party in congratulating the Democratic Party on following the Republicans in opposition to compulsory military service. Of course, the false assumption was apparent even to a schoolboy. The Democratic Party has not followed the Republican Party, because nobody knows what the Republican Party stands for on the question of compulsory military training. I presume the gentleman from Kansas extended the proper expressions of condolence to his next-door neighbor, Mr. HARRELD, of Oklahoma City, when he bowed to the blunt orders of the autocratic steering committee on the Republican side of this House, who vetoed his selection for membership on the Committee on Military Affairs because he is opposed to compulsory military service, and who said to him, "Unless you surrender your convictions and the convictions of your constituents upon the question of militarism, you must bow your head in shame and go out of public life," because everybody knows that kicking him off the committee meant his political death. That is what it meant—that HARRELD was crucified in order that the Republicans of this House might play their little double-crossing game on this question of universal compulsory military training. What is the game? What is the position of the Republican Party? You do not know, the gentleman from Kansas does not know—

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. WINGO. I will ask the gentleman to wait for a moment.

Mr. MADDEN. I would like to have the gentleman make a true statement.

Mr. WINGO. That is what I want to do.

Mr. MADDEN. The gentleman evidently does not know what he is talking about or he would not make the statement that he has.

Mr. WINGO. What is that?

Mr. MADDEN. The gentleman just said that he bowed to the autocratic orders of the steering committee. I wish to call the gentleman's attention to the fact that no orders were issued from any steering committee.

Mr. WINGO. Oh, certainly not. The steering committee has grown so great on the Republican side that even the frown of the steering committee, a whispered suggestion that one will have to follow the wishes of the steering committee, is sufficient. It was stated, not in the public press, but was stated by a leading Republican, that Mr. HARRELD either must voluntarily get off "or we will kick him off." Let us see what the position of the Republican Party is. The gentleman from Kansas [Mr. TINCER] congratulated us on following the Republican Party. God knows I would hate to see the Democratic Party assume the attitude of the Republican Party in this House. Your attitude on universal compulsory military training is typical of your attitude on every public question. You have not a conviction on a single public question, or if you have a conviction you are afraid to take the American people in your confidence before election day. What are you trying to do—to follow MONDELL or JULIUS "CAESAR" KAHN? Are you following the chairman of the Committee on Military Affairs of the Senate?

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WINGO. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

Mr. TILSON. Oh, Mr. Chairman, while we are all very much regaled by the gentleman and always are interested in hearing him speak, yet in the interest of progress we ought to go along with the bill. We have made very little progress.

Mr. WINGO. Very well, I withdraw my request, hoping that some Republican will take that five minutes to tell us where the Republican Party stands on compulsory military service. You wiggle in and you wiggle out so that you do not know yourself where you stand. You do not know whether you are with WADSWORTH and KAHN or with MONDELL. [Applause and laughter on the Democratic side.]

The Clerk read as follows:

For investigations of methods for wood distillation and for the preservative treatment of timber, for timber testing and the testing of such woods as may require test to ascertain if they be suitable for making paper, for investigations and tests within the United States of foreign woods of commercial importance to industries in the United States, and for other investigations and experiments to promote economy in the use of forest products, and for commercial demonstrations of improved methods or processes, in cooperation with individuals and companies, \$173,260.

Mr. BLANTON. Mr. Chairman, I make the point of order to the following portion of this paragraph:

For investigations and tests within the United States of foreign woods of commercial importance to industry in the United States.

That is new legislation and is unauthorized by law.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. HAUGEN. That is an item that has been carried for a number of years. It has been carried since 1912, starting with an appropriation of \$177,000. What is the point of order?

Mr. BLANTON. It is new legislation, unauthorized by law; and the mere fact that in some previous appropriation bill such an item was carried, unless it is definitely shown that it was the intention of the Congress to make it permanent law, would not make it in order in an appropriation bill now. There has been no appropriation bill enacted indicating that this should be permanent law and that an annual appropriation should be made for it.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, may I ask the gentleman what his objection is?

Mr. BLANTON. To the investigation of foreign woods, because the Department of Agriculture could go to every foreign country after such woods and spend this \$173,260 messing around in Europe. That is something I do not think this country wants done.

Mr. McLAUGHLIN of Michigan. Why, the very language of the bill is that the tests are to be within the United States.

Mr. BLANTON. Yes; but it does not prevent sending emissaries on junketing trips to the battle fields of France and to England to have a nice summer trip at some time, such as has been done by representatives of various other departments that I could name.

Mr. MADDEN. I just wanted to call the gentleman's attention to this: We are talking about everything but the point of order, and if I may be permitted I want to say that this is one of the most valuable items in the bill to the people of America. Investigations that go on in connection with this provide for methods of discovering how you can veneer with high-class wood on the commonest kind of wood that we have. You can take any kind of wood and provide veneering and make it appear as artistic as anything I know in that line. And the continued examinations and investigations and tests made under this item have resulted in enabling the people of the United States to indulge in a higher class and a more artistic work of finish in

buildings and homes and every kind of construction than they have ever been able to indulge in before, and it is more economical than can be done with the original timber.

Mr. BLANTON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLANTON. Does the gentleman believe that this country is dependent upon foreign woods for that purpose? I maintain we have plenty of varieties of different kinds of woods in this country to perform our various experiments upon.

Mr. MADDEN. That may be the information of the gentleman, who is not an expert on that class of work; but the opinion of men who have had the experience in this line of work is that it is the most valuable aid to an economical work of construction and development of art that has ever been done at the expense of the Government in any of its branches. I am speaking from experience.

Mr. NELSON of Wisconsin. Mr. Chairman and gentlemen of the committee—

Mr. BLANTON. Mr. Chairman, I ask that the argument be confined to the point of order.

The CHAIRMAN. The gentleman from Texas [Mr. BLANTON] has made a point of order. The Chair will be glad to hear the gentleman from Wisconsin on the point of order.

Mr. NELSON of Wisconsin. My purpose, Mr. Chairman, is not to address myself directly to the point of order, but rather by your permission to address myself to the item against which the gentleman from Texas [Mr. BLANTON] has made the point of order, namely, the appropriation of \$173,260 for the Forest Products Laboratory at Madison, Wis. The gentleman from Texas [Mr. BLANTON] has made the point of order that this item is not proper legislation, because it appropriates money for investigations and tests of foreign woods of commercial importance to industries in the United States.

Mr. BLANTON. Not that it is not proper legislation, but that it is new legislation, unauthorized by law.

Mr. NELSON of Wisconsin. Mr. Chairman, the gentleman from Texas [Mr. BLANTON] is mistaken in his statement, and I contend his point of order is not well taken. The item in question does not provide for tests without the United States, as the gentleman from Texas seems to think, but does provide for tests within the United States of foreign woods which may be of commercial importance to our American industries.

Further, this is not new legislation, as the gentleman from Texas contends, as this very item has been carried in the Agricultural appropriation bill for several years past. It is, therefore, not a new item of legislation, but is old legislation regularly carried in the Agricultural appropriation bill, and therefore, in my judgment, comes clearly within the general purposes of the organic law.

Mr. Chairman, I fully agree with the distinguished gentleman from Illinois [Mr. MADDEN], who has just said that "this is one of the most valuable items in the bill to the people of America." Mr. Chairman, I happen to be quite familiar with the work of the Forest Products Laboratory located at Madison, Wis., having been for 13 years a member of the board of regents of the University of Wisconsin and a member of the board when this laboratory was located at Madison in 1910. I can, therefore, speak with some degree of authority and with information gathered from observations of the work of the laboratory on the ground of operations. So strongly do I feel that this laboratory should be encouraged in its splendid work under the excellent supervision of its director, Mr. C. P. Winslow, ably supported by the assistant director, Mr. O. M. Butler, and the efficient members of the staff, who are men of high caliber and large scientific attainments, that were it not for the very strained condition of our National Treasury and the general slogan for retrenchment of expenditures I would, at the proper time, move an amendment to double the appropriation called for in the bill. Indeed, Mr. Chairman, I sincerely hope that we shall agree that it will be a matter of economy and conservation of our commercial, financial, and economical resources as a Nation to increase this appropriation in next year's budget to at least \$500,000, so as to give adequate support to one of the most important scientific bureaus of investigations and tests carried on by our Government in the conservation of our natural resources.

The present lumber and wood prices are the highest that have ever been known in the United States, and are still rising. In spite of rapidly increasing prices, which are partly due to the growing shortage of materials, there is an appalling waste and loss of efficiency in handling, through practically every phase of wood manufacture and utilization, from the logging operations in the woods to the completion, shipment, and even in the use of the final product. Losses in the seasoning of wood in the United States at the present time are conservatively estimated

to reach nearly \$50,000,000 annually. Every dollar of this loss is an added cost in the production of lumber and every board foot wasted an additional drain on our rapidly diminishing forest resources. Several billion feet, worth in the neighborhood of \$75,000,000, could be saved annually if full use were made of preservative processes for treating ties, poles, posts, piling, mine timbers, shingles, lumber, and other wood which is exposed to the weather and thereby subject to decay. A large percentage of the annual loss from fire in the United States of about \$200,000,000 is in wooden structures, and this could be materially reduced through the development of fire-retarding paints and compounds and fire-resisting construction. A casual survey shows that the losses from faulty mill and shop practices in a wide range of industries amount to millions of dollars annually. Unnecessary losses through packing and shipment in poorly designed and constructed containers are variously estimated at from \$40,000,000 to \$100,000,000 annually for domestic shipments alone, and the packing methods used by American concerns in export shipments are reported by the Consular Service to be notoriously bad.

Practically every city in the United States has its own building code, and for wood as a material there is the greatest confusion and practically unlimited range in requirements. Reasonable uniformity would be of obvious advantage to both manufacturer and consumer. In structural timbers strength is ordinarily a prime requisite, yet for only two groups of timbers in the United States has a system of grading rules been developed which selects the wood on a basis of its strength. For lumber practically every species has at least one distinct set of grading rules and several species have more than one set, and this from the standpoint of the consumer results in a confusion which places the average consumer at a great disadvantage in his lumber purchases.

Of the material in the woods, only approximately 30 per cent appears in the form of seasoned rough lumber, and in the manufacture of the rough lumber there is a further waste which in some important wood-consuming industries reaches from 10 to 25 per cent, and in special cases even higher. In the bending of high-grade stock in vehicle making, for example, losses frequently reach 50 per cent. We are clearly falling far short of taking advantage of our opportunities for saving and utilizing this enormous waste.

Many of the industries which manufacture and utilize wood are among the oldest industries and as such have been very slow on their own initiative to improve their processes and cut down waste. The public is concerned as much as the industries, because inefficient methods and waste are exhausting our remaining timber resources and are increasing prices of all wood products to the consumer. The only effective solution of this situation lies in forest products research, provided for in the Forest Products Laboratory.

It was for the purpose of promoting economy and efficiency in the utilization of wood and in the processes by which forest materials are converted into commercial products that the Forest Products Laboratory was established in 1910 by the United States Forest Service at Madison, Wis., in cooperation with the University of Wisconsin. This laboratory is an institution of practical research, and with the exception of a similar, though much smaller, organization in Canada is the only institution of its kind in the world. Its organization of trained specialists conducts investigations into the mechanical, physical, and chemical properties of various woods and wood wastes and of processes and methods of manufacture and handling to secure greater efficiency and economy. When it is considered that the value of the products of the primary and secondary wood-using industries of the country aggregates over \$10,000,000,000 annually, the importance of such an institution is apparent. Indeed, the hearings state that the lumber industry is the second or third largest industry of our country.

In the early years of its operation the laboratory's small organization of eighty-odd people devoted its attention primarily to the development of fundamental and correlated information of the properties of the varied available species of timber and to improvements in the better-known and standard processes and methods in its utilization.

At the outbreak of the World War the importance of forest products to a successful national defense program—from the airplane propeller to the charcoal in the gas mask and from the wood alcohol in the high explosives to the wooden container for the shipment of the shell—made necessary not only the use and application of the knowledge already gained, but a vast amount of further information which necessitated increasing the prewar organization. Since the close of hostilities, it has been found that the results of this work during the emergency are practically all applicable to industrial needs, and while lack of

funds has made it necessary to reduce the organization over 50 per cent, the industrial requests for the wider effective dissemination and demonstration of the results already secured and also for further studies and investigations are sufficient to justify an organization far greater than is at present possible. These requests and opportunities are becoming increasingly broad and numerous, and failure to meet them is causing incalculable losses annually to the country. For example, one of the conspicuous lines of work which should be greatly expanded is the investigations to develop the general laws for box and container construction, the relationship between the size and contents of the box, the kind and thickness of material to be used, methods of nailing, strapping, and so forth, and, further, special tests to check the application of general laws to special classes of containers. Tests of this character with proper cooperation with producers and shippers will rapidly reduce unnecessary losses, now amounting to millions of dollars annually. As one example of the value of forest-products investigations, work of this character is known to have saved to the United States several times more than the total sum spent to date in all forest-products investigations.

A system of grading for structural timber which permits its selection on the basis of strength, the prime requisite, has been developed and commercially adopted only for the southern pines and the Douglas fir of the West. Similar rules should be developed for hemlock and for other woods used for purposes where strength is a controlling factor. The growing scarcity of timber and the difficulty of securing high-grade material in large sizes will result in the use of built-up timbers. Two years of war alone brought pronounced changes in this direction. If built-up timbers are to be used safely and economically, an extensive series of tests to develop the best designs and the most effective fastenings and joints is necessary.

In addition to structural timbers there are great possibilities in the use of laminated and built-up construction for many other purposes, such as wagon parts and smaller articles, like shoe lasts, and so forth. Any such development increases utilization and reduces the cost of material and the losses and time in drying. Fundamental strength tests should be completed for all American species, since only from these tests can be decided the comparative merits of various timbers, which are becoming scarcer or high priced, and the possibility of using substitute timbers.

Plywood is a comparatively new wood product, and compared to other materials of construction little is known of its strength, of the comparative values of different species, the best methods of manufacture, the best glues and methods of gluing, and of its merits as compared with solid wood. Its use is increasing, and information along the lines indicated is greatly needed. The development of glues is necessary from the standpoint of plywood and also from the standpoint of many classes of laminated construction, and for those which are exposed to the weather and to moisture water-resistant glues are necessary. Before the war there were no recognized standard specifications for glue. An excellent beginning was made in investigations of glues and their proper manipulation during the war, and the results of the work with waterproof glues and plywood at the Forest Products Laboratory saved the country over \$5,000,000 in the procurement of this material during the emergency; but the bulk of the field still remains to be covered.

For many purposes, such as furniture, vehicles, cooperage, and airplane manufacture, it is necessary to bend wood. Practically nothing is known as yet of the conditions under which this can be done most effectively and without the excessive losses at present common in commercial plants which waste high-grade, expensive materials.

On problems connected with the drying of wood, much progress has been made in the development of general laws and in their application to a few of our more common woods and a few additional woods which can not be seasoned easily. The work done has made it possible, for example, to kiln-dry wood with safety for airplane construction during the war. Much remains to be done in the determination of general laws and in the application of results to the remainder of American species in commercial use, especially to such important species as Douglas fir, western hemlock, and some of the more refractory hardwoods. While the more important field is in methods of artificial drying, there is room also for a great improvement in methods used in the natural seasoning of wood.

The life of the four to six billion feet of timber which decays in service each year could be lengthened from two to four times by preservative treatment. The work already begun to determine the efficiency of various preservatives under various conditions of exposure and when used with different species should therefore be hastened and completed.

Preservatives not only prolong the life of treated woods but make it possible to utilize the less durable species in the place of the more durable ones. Untreated piling of the best species when placed in exposed conditions is sometimes wholly destroyed in a few months. Work so far done indicates for this specific use the possibility of increasing the life to several years. Far too little has been done in the development of fire-retarding compounds for the impregnation of wood, and the possibilities are practically unlimited. Enough has been done in the study of methods of construction to show great possibilities in the reduction of fire risks by the development of slow-burning construction and of fire stops. During the war a cheap and practical wood coating was developed for airplane propellers which practically prevents the absorption of moisture and thus eliminated the shrinking, expansion, and warping which make airplane propellers useless. Investigations of this character should be extended to wood finishes and protective coatings in general, with the practical certainty of great benefits in durability and resistance to the absorption of moisture. There is a very general and urgent demand for the development of satisfactory coatings and finishes.

Intensive technical studies of the operations of mill and shop practices of lumber, pulp and paper, and the secondary wood-using industries such as veneer and cooperage plants, furniture factories, sash and door mills, vehicle and implement factories, and various kinds of specialty shops, by highly-trained technical men able to review the processes and problems of these industries in an entirely new light, can unquestionably bring about savings and increase efficiency amounting to many millions of dollars annually.

The greatest possibility for utilizing the two-thirds or more of the material in the woods which is now wasted before the final product appears is through the chemical industries. Of these the pulp and paper industry is the most important. Tests already begun to determine the feasibility of using other American species for pulp should be completed for all promising species. Further studies are needed to improve the efficiency of paper-making processes. The demand for specialty products made of pulp is rapidly increasing, and much work should be done on such products as fiber silk, twines, rugs, fabrics, and so forth. Losses through the decay of wood pulp in storage now amount to several millions of dollars annually, and the development of methods to eliminate this will benefit the supply, quality, and cost of print paper. Methods employed for the distillation of both hardwoods and softwoods are still primitive.

Comparatively few species are used, whereas there is a possibility of using many, and the use of waste material can be greatly increased. Much should also be done regarding the possibilities of utilizing the products of wood distillation.

Wood pulp made from spruce is now practically the basis for most of our news-print paper, and while the demand for news-print paper is increasing at an enormous rate the supply of spruce logs is decreasing at an alarming rate. Already the shortage is acute, and we are facing a paper shortage that threatens the suspension of many of our newspapers of the country. In the hearings on this bill we are told that 2,000 to 3,000 small newspapers face extinction unless the news-print supply is increased. No doubt other woods can supply the need. We should find by tests what they are. The Forest Products Laboratory, provided with adequate funds to carry on tests and experiments, would, undoubtedly, find some relief for the acute situation which now exists. Indeed, could Congress be made to realize and understand the importance of the pulp and paper division of the Madison laboratory alone it would gladly and promptly provide an adequate appropriation for its support.

An important phase of forest-products research is cooperation with industries and the public, to assist as fully as possible in putting promising laboratory results into practice, and this phase of the work should be developed in proportion to the investigations. It is as important to see that the results of the work are effectively utilized as it is to conduct the research; this can only be accomplished by the development of a group of specialists able to lend assistance of a practical nature at the plant or place of operation of the manufacturer engaged in the use of wood or its by-products.

In general the Forest Products Laboratory is practically the only institution of appreciable size in existence which is devoting its attention solely to wood and its by-products. Its work bears directly on the problems of industries manufacturing annually products valued at over \$10,000,000,000. The application of the results of the laboratory's investigations has already resulted in direct savings to this country amounting to many times more than the total cost of maintaining the institution during the past 10 years.

There is an ever-increasing demand upon the laboratory organization for further work, and this has never been more acute

and important than now, when the constantly rising cost of lumber and other wooden products is making economy in the utilization of forest products of increasing importance not only to the industries concerned, but to the public as a whole. It would seem, therefore, a shortsighted policy to restrict the activities of this institution, and that in any sound policy of economy adequate provision for the continuation and expansion of the work of this institution should be made.

Economy and efficiency in handling forest products, and a comprehensive plan for reforestation of our denuded wasteland areas, is a national necessity. One of the greatest and most important national problems to-day is the proper conservation and utilization of the products of our rapidly depleting forests. A national forest policy is one of the pressing needs in our reconstruction program. [Applause.]

Mr. ANDERSON. Will the Chair indulge me just a moment on the point of order?

I wish to call the attention of the Chair to the fact that the Forestry Service is, in the first instance, a great business-institution. It is charged with the management, direction, and control of timberlands aggregating, I think, something like 110,000,000 acres. These timbered lands are of very great variety, and with respect to them the Forest Service is charged with very great responsibilities and with very great powers and duties. It has power to sell great portions of the stumpage on these lands almost without restriction. It has the power to reforest portions of these forests that have been denuded by fires or otherwise. It is necessarily, in the direction, control, and management of this enormous business, compelled to gather together for its own use and information of the employees and officers of the Forest Service great masses of information with respect to the utilization of timber in this country and in foreign countries. The item under consideration, against which the gentleman from Texas has made the point of order, is the item under which the experimentation and the investigation necessary to the management, direction, and control of these great timber resources are undertaken. I wish to call the attention of the Chair to some of the powers which the Forest Service has with respect to forest reservations. For instance, it is provided—

That said reservation shall be under the exclusive control of the Secretary of the Interior—

And permit me to say here that all the powers and duties originally invested in the Secretary of the Interior with reference to these forests are now transferred to the Secretary of Agriculture—

whose duty it shall be, as soon as practicable, to make and publish such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury of all timber, mineral deposits, natural curiosities, or wonders within said reservation, and their retention in their natural condition.

How can he provide for the sale of timber in the forests under appropriate circumstances if he has not the powers and means to investigate the things which are related to the sale of timber and the management of the forests?

Now, it may be necessary in order to gather information with respect to the preservation of rare timber in the forests to investigate the methods of preservation of foreign timber. So it seems to me that the power, the authority to investigate into the methods of preserving the foreign woods, and so forth, is implied by the very extensive power which we have conferred upon the Secretary of Agriculture and the Chief of the Forest Service by the various enactments of Congress.

The CHAIRMAN. The gentleman from Texas makes the point of order to the language on page 46 of the bill, as follows:

For investigations and tests within the United States of foreign woods of commercial importance to industries in the United States.

The Chair would state, in considering the paragraph in which this language is found, in connection with the authority of the Bureau of Forestry, before and after its transfer from the Department of the Interior to the Agricultural Department, it seems that this activity on the part of the Department of Agriculture, through the Bureau of Forestry, is one that is within the general purposes of the organic law. It does not provide for tests without the United States, as the gentleman from Texas [Mr. BLANTON] suggested, but for tests within the United States of foreign woods of commercial importance to the industries of the United States. The Chair is inclined to the view—

Mr. BLANTON. Mr. Chairman, may I offer this further suggestion, that according to the Chair's ruling, under the general interpretation of the organic statute the Agricultural Department has the authority to send to France and secure horses over there and bring them over for experimental purposes.

Mr. ANDERSON. That has been done.

Mr. BLANTON. But not except by express authority of Congress.

The CHAIRMAN. Well, this does not involve that question. The Chair will state that he is inclined to think that this comes within the general authorization and purposes of the department, and therefore overrules the point of order.

Mr. BLANTON. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. McLAUGHLIN of Michigan. Oh, can we not finish this item?

The CHAIRMAN. The Chair will count. [After counting.] Sixty Members are present, not a quorum.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 12272) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1921, had come to no resolution thereon.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following joint resolution:

H. J. Res. 20. Joint resolution giving to discharged soldiers, sailors, and marines a preferred right of homestead entry.

LEAVE OF ABSENCE.

Mr. CALDWELL, by unanimous consent, was granted leave of absence for one week, on account of important business.

ADJOURNMENT.

Mr. HAUGEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 11, 1920, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Navy, transmitting request for legislation for the relief of Ruperto Vilche, of Guantanamo City, Cuba, was taken from the Speaker's table and referred to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CRAGO, from the Committee on Military Affairs, to which was referred the bill (S. 3383) to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, reported the same with an amendment, accompanied by a report (No. 617), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 4142) granting an increase of pension to Henry S. Robert; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12357) granting a pension to Edward M. Smailes; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12169) granting a pension to Mary Muhleder; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 12393) granting a pension to Joseph S. Penland; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STRONG of Pennsylvania: A bill (H. R. 12426) authorizing the Secretary of War to donate to the Brookville Park Association, Brookville, Pa., two German cannon or field-pieces, carriages, and equipment, with a suitable number of shells; to the Committee on Military Affairs.

Also, a bill (H. R. 12427) authorizing the Secretary of War to donate to the town of New Bethlehem, Pa., two German can-

non or fieldpieces, carriages, and equipment, with a suitable number of shells; to the Committee on Military Affairs.

Also, a bill (H. R. 12428) authorizing the Secretary of War to donate to the town of Punxsutawney, Pa., two German cannons or fieldpieces, carriages, and equipment, with a suitable number of shells; to the Committee on Military Affairs.

Also, a bill (H. R. 12429) authorizing the Secretary of War to donate to the town of Reynoldsville, Pa., two German cannons or fieldpieces, carriages, and equipment, with a suitable number of shells; to the Committee on Military Affairs.

Also, a bill (H. R. 12430) authorizing the Secretary of War to donate to the town of Blairsville, Pa., two German cannons or fieldpieces, carriages, and equipment, with a suitable number of shells; to the Committee on Military Affairs.

Also, a bill (H. R. 12431) authorizing the Secretary of War to donate to the town of Ford City, Pa., two German cannons or fieldpieces, carriages, and equipment, with a suitable number of shells; to the Committee on Military Affairs.

Also, a bill (H. R. 12432) authorizing the Secretary of War to donate to the county of Clarion, State of Pennsylvania, two German cannons or fieldpieces, carriages, and equipment, with a suitable number of shells; to the Committee on Military Affairs.

Also, a bill (H. R. 12433) authorizing the Secretary of War to donate to the county of Armstrong, State of Pennsylvania, two German cannons or fieldpieces, carriages, and equipment, with a suitable number of shells; to the Committee on Military Affairs.

Also, a bill (H. R. 12434) authorizing the Secretary of War to donate to the county of Indiana, State of Pennsylvania, two German cannons or fieldpieces, carriages, and equipment, with a suitable number of shells; to the Committee on Military Affairs.

Also, a bill (H. R. 12435) authorizing the Secretary of War to donate to the county of Jefferson, State of Pennsylvania, two German cannons or fieldpieces, carriages, and equipment, with a suitable number of shells; to the Committee on Military Affairs.

Also, a bill (H. R. 12436) authorizing the Secretary of War to donate to the E. D. Sharp Post, No. 267, Grand Army of the Republic, for the E. D. Sharp soldiers' plot in the cemetery at Rimersburg, Clarion County, Pa., two German cannons or fieldpieces, carriages, and equipment, with a suitable number of shells; to the Committee on Military Affairs.

By Mr. GRIGSBY: A bill (H. R. 12437) to authorize the expenditure of the sum of \$100,000, heretofore appropriated for the erection of a United States post office, courthouse, and jail at Cordova, Alaska, by the act approved March 4, 1913, for the erection of a United States courthouse and jail at Cordova, Alaska; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 12438) granting an increase of pension to Silas Hendrix; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12439) granting a pension to Sarah F. German; to the Committee on Invalid Pensions.

By Mr. CARSS: A bill (H. R. 12440) granting an increase of pension to Frank Bachmeyer; to the Committee on Pensions.

Also, a bill (H. R. 12441) to reimburse the Duluth, Winnipeg & Pacific Railway for custom fine No. 368, erroneously imposed by the collector of customs at Duluth, Minn.; to the Committee on Claims.

By Mr. COLLIER: A bill (H. R. 12442) for the relief of Mrs. Charles Fitzgerald; to the Committee on Claims.

By Mr. HICKS: A bill (H. R. 12443) authorizing the Secretary of the Treasury to pay certain claims, the result of a fire in the Government ordnance plant at Baldwin, N. Y.; to the Committee on Claims.

Also, a bill (H. R. 12444) granting a pension to William Southard; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 12445) granting an increase of pension to Lena Griswold; to the Committee on Invalid Pensions.

By Mr. OLNEY: A bill (H. R. 12446) to carry out the findings of the Court of Claims in the case of the Fore River Shipbuilding Co.; to the Committee on Claims.

By Mr. PETERS: A bill (H. R. 12447) granting an increase of pension to William H. Durham; to the Committee on Invalid Pensions.

By Mr. RADCLIFFE: A bill (H. R. 12448) granting a pension to Albin D. Schaefer; to the Committee on Pensions.

By Mr. RANDALL of California: A bill (H. R. 12449) for the relief of Elisha L. Bennett, jr.; to the Committee on Military Affairs.

By Mr. SCHALL: A bill (H. R. 12450) granting a pension to John F. Lindquist; to the Committee on Pensions.

Also, a bill (H. R. 12451) granting an increase of pension to Louis S. Harris; to the Committee on Pensions.

By Mr. SWOPE: A bill (H. R. 12452) granting an increase of pension to Joanna L. Dixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12453) granting a pension to Susie Dixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12454) granting an increase of pension to Elyza Settles; to the Committee on Pensions.

Also, a bill (H. R. 12455) granting a pension to Sarah J. Stapleton; to the Committee on Invalid Pensions.

By Mr. TINCHER: A bill (H. R. 12456) granting an increase of pension to Asael B. Caldwell; to the Committee on Invalid Pensions.

By Mr. VAILE: A bill (H. R. 12457) for the relief of Stephen Olop; to the Committee on Claims.

By the SPEAKER: Memorial of the Legislature of the State of Oregon, urging that the veterans of Indian wars be placed on the same basis for pension purposes as those of the Civil War; to the Committee on Pensions.

By Mr. STINESS: Memorial of the Legislature of the State of Rhode Island, favoring Senate joint resolution No. 102, "To equalize the pay and allowances of commissioned officers, warrant officers, and enlisted men of the Coast Guard with those of the Navy"; to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG of North Dakota: Memorial of the Legislature of the State of North Dakota, commending President Wilson for his untiring efforts to secure world peace and urging a speedy ratification of the peace treaty with only such reservations as are compatible with a binding and bona fide participation by the United States of America in the covenant of the League of Nations; to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1435. By Mr. BROWNING: Petition of 15 members of the United States Customs Guards Branch, Federal Employees' Union No. 23, National Federation of Federal Employees, port of Philadelphia, urging increased compensation of employees; to the Committee on Interstate and Foreign Commerce.

1436. Also, petition of 18 residents of Wenonah, Gloucester County, N. J., indorsing bill proposing to retire Government employees; to the Committee on Reform in the Civil Service.

1437. By Mr. FOSTER: Petition of citizens of Cleveland, Ohio, indorsing the Lehlbach-Sterling bill; to the Committee on Reform in the Civil Service.

1438. Also, petition of W. E. Jeffers & Sons, proprietors of the Square Deal Stock Farm, of Albany, Ohio, relative to certain legislation now pending; to the Committee on Ways and Means.

1439. By Mr. FULLER of Illinois: Petition of citizens of Rockford, Ill., relative to constitutional guaranties; to the Committee on the Judiciary.

1440. Also, petition of E. V. Price & Co., of Chicago, opposing Senate bill No. 2232; to the Committee on Education.

1441. Also, petition of the Rockford (Ill.) Manufacturers and Shippers' Association, and other Illinois corporations, favoring certain provisions in the pending railroad bills; to the Committee on Interstate and Foreign Commerce.

1442. By Mr. GALLIVAN: Petition of C. W. Hunt Co. (Inc.), the Day Baker Co., the Bay State Hardware Co., the National Shawmut Bank of Boston, the mayor and City Council of Waltham, relative to the Watertown Arsenal; to the Committee on Military Affairs.

1443. Also, petition of Waldo Bros. & Bond Co., the John Whalen Co. (Inc.), Blacker & Shepard Co., Charles M. Abbott, the Eastern Clay Goods Co., and the Carpenter-Morton Co., all of Boston, Mass., relative to the Watertown Arsenal; to the Committee on Military Affairs.

1444. Also, petition of a special convention of the American Legion, the Massachusetts Department, regarding legislation affecting soldiers; to the Committee on Military Affairs.

1445. By Mr. HICKS: Petition asking for tariff on beans, etc., from Nassau County Farm Bureau, New York; to the Committee on Ways and Means.

1446. By Mr. KIESS: Petition of sundry citizens of Williamsport, Pa., favoring the passage of House bill 1112; to the Committee on the Judiciary.

1447. By Mr. LINTHICUM: Petition of the Maryland Federation of Women's Clubs, of Baltimore, Md., indorsing the Fess bill, House bill 12078; to the Committee on Education.

1448. Also, petition of the Maryland Society of the Sons of the American Revolution, indorsing House bill 10650; to the Committee on the Judiciary.

1449. Also, petition of the Brotherhood of Railway and Steamship Clerks, Monumental Lodge, No. 567, relative to an increase in pay; to the Committee on Ways and Means.

1450. Also, petition of J. H. Cottman & Co., of Baltimore, Md., indorsing the Cummins railroad bill; to the Committee on Interstate and Foreign Commerce.

1451. Also, petition of Jacob Hann, jr., of Baltimore, Md., favoring the Army increase pay bill; to the Committee on Military Affairs.

1452. Also, petition of Mrs. Charles E. Ellicott, president of the Woman Suffrage League of the State of Maryland, favoring military rank for Army nurses; to the Committee on Military Affairs.

1453. Also, petition of John E. Jubb, secretary and treasurer of the Order of Railroad Claims Investigation of North America, Baltimore Lodge, No. 241, favoring the consideration of a certain petition which is in the hands of Hon. OSCAR E. KELLER; to the Committee on Interstate and Foreign Commerce.

1454. Also, petition of the firm of Gaither & Gaither, attorneys at law, of Baltimore, relative to House bill 1038; to the Committee on Claims.

1455. Also, petition of V. Dougherty, Nat Wilkes, Arthur K. Christie, Francis A. Madler, E. E. Reed, Charles Boegner, George T. Bowen, and Charles J. McAuliffe, all of Baltimore, Md., favoring Government control of railroads; to the Committee on Interstate and Foreign Commerce.

1456. Also, petition of the United Mine Workers of America, Local Union No. 2471, of Mount Savage, Md., protesting against the Cummins railroad bill; to the Committee on Interstate and Foreign Commerce.

1457. By Mr. MEAD: Petition of the Federal Employees' Union, No. 19, relative to certain conditions in the Department of Internal Revenue; to the Committee on Reform in the Civil Service.

1458. Also, petition of the American Protective Tariff League, assembled relative to the League of Nations and tariff questions now pending; to the Committee on Foreign Affairs.

1459. Also, petition of the county committee of Philadelphia County of the American Legion, relative to certain legislation; to the Committee on Appropriations.

1460. Also, petition of sundry citizens of Elmira, N. Y., favoring Government ownership of railroads; to the Committee on Interstate and Foreign Commerce.

1461. Also, petition of joint legislative board of the four railroad brotherhoods of the State of New York, opposing the Cummins-Esch railroad bill and favoring two-year extension Government-control bill; to the Committee on Interstate and Foreign Commerce.

1462. By Mr. MURPHY: Memorial of 35 citizens of Columbiana County, Ohio, protesting against the passage of legislation having to do with compulsory military training; to the Committee on Military Affairs.

1463. By Mr. NELSON of Wisconsin: Petition of Milwaukee Chamber of Commerce, opposing the Gronna bill terminating wheat guaranty and Grain Corporation; to the Committee on Agriculture.

1464. Also, petition of Paul J. Stern, of Milwaukee, Wis., requesting vote against Gronna bill terminating Grain Corporation; to the Committee on Agriculture.

1465. By Mr. O'CONNELL: Petition of the Jamaica Board of Trade, opposing the Esch-Cummins railroad bills, etc.; to the Committee on Interstate and Foreign Commerce.

1466. Also, petition of Adolph Lewisohn, New York City, urging a reduction in taxes on excess profits and incomes; to the Committee on Ways and Means.

1467. By Mr. ROWAN: Petition of citizens of Brooklyn and Long Island, N. Y., relative to certain legislation now pending; to the Committee on Education.

1468. Also, petition of the Board of Trade of the City of Chicago, Ill., and Lester W. Bond, of New York City, relative to the railroad situation; to the Committee on Interstate and Foreign Commerce.

1469. Also, petition of national headquarters, Private Soldiers' and Sailors' Legion of the United States of America, indorsing House bill 10373; to the Committee on Military Affairs.

1470. Also, petition of the Jamaica Board of Trade against certain provisions in the Esch-Cummins railroad bills; to the Committee on Interstate and Foreign Commerce.

1471. Also, petition of citizens of Yonkers, N. Y., relative to the League of Nations; to the Committee on Foreign Affairs.

1472. Also, petition of the College of the City of New York, Post No. 717, relative to Senate bill 3792; to the Committee on Military Affairs.

1473. Also, petition of the J. H. Williams Co., of Brooklyn, N. Y., relative to certain legislation; to the Committee on Coinage, Weights, and Measures.

1474. Also, petition of the Federal Highway Council, of Washington, relative to certain legislation; to the Committee on the Post Office and Post Roads.

1475. Also, petition of the Ward Baking Co., per George S. Ward, president, relative to certain legislation; to the Committee on Agriculture.

1476. By Mr. TINKHAM: Petition of Paul Revere Branch, Friends of Irish Freedom, demanding that the Republic of Ireland be recognized by the Government of the United States; to the Committee on Foreign Affairs.

1477. By Mr. WOODYARD: Petition of Amalgamated Sheet Metal Workers' International Alliance, of Huntington, W. Va., opposing the Sterling-Graham antiseditious bills; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, February 11, 1920.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we pause a moment to worship Thee. With our very best intellect, with our hearts' highest aspirations, with our life's devotion we worship Thee. We pray that Thou wilt look upon us as we face the responsibilities of another day. Guide us so that our work may be to the praise and honor and glory of Thy name. Through Jesus Christ, our Lord. For Christ's sake. Amen.

On request of Mr. SMOOT, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

ENROLLED BILL SIGNED.

The VICE PRESIDENT announced his signature to the enrolled bill (H. R. 11368) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1921, which had previously been signed by the Speaker of the House of Representatives.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS (S. DOC. NO 215).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting supplemental estimates of appropriations in the sum of \$238,500 required by the National Home for Disabled Volunteer Soldiers for the fiscal year 1920, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. I present certain proposed amendments to the reservations in the reported resolution of ratification of the treaty of peace with Germany simply that they may be printed and lie on the table and that they may also be printed in the RECORD.

The VICE PRESIDENT. It will be so ordered.

The proposed amendments are as follows:

RESERVATION NO. 1.

[Omit the part in brackets and insert the part printed in italic.]

Amendment proposed by Mr. LODGE to the reservations to the treaty of peace with Germany, viz: Amend reservation No. 1 so that it will read as follows:

1. The United States so understands and construes article 1 that in case of notice of withdrawal from the League of Nations, as provided in said article, the United States shall be the sole judge as to whether all its international obligations and all its obligations under the said covenant have been fulfilled, and notice of withdrawal by the United States may be given by [a concurrent resolution of the] the President or by Congress [of the United States] alone whenever a majority of both Houses may deem it necessary.